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BENCHMARK

ANNUAL REPORT OF THE SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM FISCAL YEAR 1980

(July 1979 through June 1980)

Compiled and published by
SOUTH DAKOTA
STATE COURT ADMINISTRATOR'S OFFICE
PIERRE, SOUTH DAKOTA

JANUARY, 1981

South Dakota Unified Judicial System

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The Honorable Chief Justice and the
Associate Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

In continuing our effort to keep you, and the general public, informed about the activities of the South Dakota Unified Judicial System, I respectfully transmit herewith our Annual Report.

In this publication, we present descriptive analyses of the component offices of the system, statistical data for Fiscal Year 1980, and commentary on significant court activities for Fiscal Years 1976 through 1980.

In compiling this information, our office gratefully acknowledges the support and cooperation extended by the personnel throughout the system. We appreciate their contributions and comments.

Respectfully submitted,

Mark G. Geddes

Mark G. Geddes
State Court Administrator

MEMBERS OF THE SOUTH DAKOTA SUPREME COURT

1980

Hon. Frank E. HENDERSON	Hon. Francis G. DUNN	Hon. Roger L. WOLLMAN	Hon. Robert E. MORGAN	Hon. Jon FOSHEIM
Associate Justice	Associate Justice	Chief Justice	Associate Justice	Associate Justice
First District	Second District	Fifth District	Fourth District	Third District

FOREWORD

In his State of the Judiciary message delivered to the fifty-fifth session of the South Dakota Legislature, January 24, 1980, Chief Justice Roger L. Wollman presented his perspective of the state's judicial structure with the following statement.

> The Unified Judicial System has been in effect for some five years now. Much has been accomplished; much remains to be done. As we enter this new decade, We must put aside our nostalgic reveries of a bygone day when the judicial system was, it seemed, simpler and less demanding. If anything, the new decade will see additional demands being placed upon the judicial system. I hope that those of us who are privileged to be members of the judiciary will respond to these new demands with good grace and true professionalism.
>
> Just as the new decade will demand more from the executive and legislative branches of state government, more will be expected of the judicial branch, all at a time when the total resources available may not greatly exceed those of the present.
>
> My colleagues and I pledge our continued efforts to meet the challenges of the new decade. We welcome your support in this endeavor.

In addition to the customary descriptive material and statistics for the Unified Judicial System, the following pages include a brief review of its first five years, to demonstrate some of the changes that have occurred, and a look ahead at the challenges of the new decade.

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THE JUDICIARY: WHO GETS WHAT

The judicial branch seems especially unique among government operations. It is a component of government that is most clearly a "service" agency, functioning only at the specific request of the public, yet it's operation is understood hardly at all. In particular, the contributions of the courts, especially the circuit courts, to the community, are seldom publicized.

This lack of positive publicity, along with the traditional dramatic nature of the judiciary--the robes, the bench, the decorum--enhances the mystique of the court. In some ways, this mystery factor is a valuable asset to the judicial function, promoting respect for the dignity and authority of the courts. One of the unfortunate results of this, however, is that some of the very practical contributions of the courts are overlooked.

To the average taxpaying citizen, the knowledge of the court system is generally limited, confused, and negative. Because the system is not clearly understood, the public approaches it with considerable apprehension,.if not outright fear. To them, involvement with the courts is something to be avoided if at all possible. If it becomes unavoidable, such involvement is turned over to an attorney because it likely to be too complex and dangerous for the average citizen to deal with.

In many situations, particularly criminal prosecution, such concern is no doubt justified. There is often a great truth in the adage that a defendant who represents himself in court has a fool for a lawyer. Such foolishness can be costly. It is most unfortunate, however, that this somewhat distorted public image of the courts is so dominant as to overshadow the very valuable contributions that the judiciary makes in so many areas of society. Part of the objective of this brief publication is to present some emphasis on the positive side of the functions of the court system.

Among the contributions described below, several are common to the general functions of the courts throughout America as they have been defined and clarified in the historical development of Anglo-American law. Others are somewhat unique to the South Dakota Judicial System.

For example, South Dakota has had, since 1975, a unified judicial system, somewhat similar to about a third of the states in the nation. This means, essentially, that the structure is more centralized than most, with administrative policy and budget allocations supervised more directly from the state level--the State's Supreme Court. While there may be some disadvantages to this, such as the loss of some independence at the county or municipal levels, there are also some specific advantages. For example, the Supreme Court establishes and enforces rules of acceptable conduct for judges, magistrates and attorneys. In addition, because of unification, The High Court is also able to extend statewide control for the improvement of organization and administrative practice through the lower levels of the system.

In the broad, statewide perspective, unification provides a foundation for more efficiency and economy in the South Dakota court structure. This, in turn, allows a base of more practical value for the contributions provided by the judiciary to the population of South Dakota. These services can be organized into four categories: 1) The administration of justice, 2) The clarification of citizens' rights, 3) supervisory functions, and 4) financial and record transfers.

ADMINISTRATION OF JUSTICE

Criminal. Probably because it is widely publicized on television, the public sees the court most often as arbiter in the criminal justice system, a function that provides protection against a police state. Most citizens are not aware of the distinction between the function of the court and that of the prosecutor, but seem to assume that both are part of the prosecution. This results in a misunderstanding of the contribution of the judiciary to the criminal process.

The function of the court in criminal actions is to weigh the conflicting interests of society, represented by the state, and those of the individual accused. Through the careful application of statute law, legal precedent, and professional experience, the judge attempts to provide balanced protection for both. In so doing, the court protects the defendant from unfair prosecution and provides the state an effective but controlled mechanism to enforce criminal statutes. In addition, the judge also guards the interest of society by applying appropriate strictures on the resources or freedom of the convicted defendant. In this way, the court functions to protect society from future anti-social behavior.

Civil Damages. Beyond the criminal procedure, an equally important service provided by the courts, and one less clearly understood, is that of adjudicating disputes between private citizens. This usually involves deciding the merit of one party's formal claim that he has sustained, or will sustain, physical or financial injury through the fault of another.

The contribution of the court in such litigation is to provide a legally-binding judgment, based on accepted principles of law, to compensate the injured party. In providing this process for formal arbitration, the court allows an acceptable, peaceful means for settling disputes. Also, this process establishes a consistent basis for the legal community to advise clients of legal rights and procedures, and of results to be expected.

In the effort to arrive at a just decision based on accepted precedent, the judge is likely to incur hostility from both parties: a successful plaintiff who feels undercompensated for the injury sustained, and a defendant who feels equally sure that the court has made unfair demands on him.

Special Actions. Two other types of court activity are closely related to the two categories mentioned. These involve the adjudication of juvenile problems and the rendering of civil judgments in small claims actions. In each of these, the judiciary is called upon to provide assistance to select segments of society that need special help.

In juvenile cases, the court pays particular attention to the singular needs of the problem adolescent. While applying appropriate penalties requiring restitution to victims and institutional control when necessary, the court makes every effort to rehabilitate the young offender. This requires careful background research to establish the proper method of dealing with the juvenile in each particular instance, with extra protection for the identity of the young person accused. Generally, however, The public is seldom made aware of the serious concern the court has for the well-being of the youthful offender, as well as the victim of the delinquent act.

In South Dakota, the courts support an extensive system of investigative personnel, group homes, foster homes, and educational centers for the juvenile. Through the program of court services, the judiciary makes every reasonable effort to provide for the legal, social, and psychological needs of the problem juvenile, and at an acceptable cost to the community.

Small claims actions are those through which the court is made directly available to the public for the settlement of disputes in which the dollar amount of the damage claimed is relatively small. In these cases, the court provides more flexible, simplified procedures for the resolution of minor disputes. Using small claims, the citizen in private litigation is able to obtain an equitable, legally binding decision from the court at a minimal cost and without the need of an attorney. This process is intended to make the court accessible for the convenience of the individual citizen, and efforts have been made to publicize it as such.

CLARIFICATION OF RIGHTS

In many social relationships, there is a need for the state to establish or clarify legal rights. It is essentially the responsibility of the judiciary to provide this service to the community. This includes the creation or dissolution of the marriage relationship, the interpretation of statutes or Constitutional provisions as they apply to actual cases, and the assignment of responsibilities for guardianship or adoption. Also, when required, the court arbitrates property settlement or child support in divorce cases. Through probate of wills, the court supports the wishes and rights of the deceased.

Unless they have been directly involved in the impact of such court decisions, most members of the local community do not appreciate the extent of these services provided by the courts. Another fact seldom emphasized to the public is that these services are offered at a very nominal cost. Because there is generally a need for special skill in initiating the actions, there may be costs for obtaining legal counsel. Unfortunately, the average citizen may confuse the cost of the attorney with the cost of the court. There is a crucial difference, and county-paid court-appointed counsel is generally only available for criminal defense.

Free legal aid in non-criminal cases is not provided by the courts. Such aid is available in many places in South Dakota through funding arrangements made by other agencies. The combination of this free legal aid in non criminal cases, and court appointed counsel in criminal cases, along with the general accessibility of the judicial process, makes the services of the courts available to everyone in the state, irrespective of income.

SUPERVISORY AND COLLECTION FUNCTIONS

After a formal judgment is made by the court, there is, in many cases, a need for some agency to become directly involved in supervising the execution of the decision rendered. In South Dakota, the judicial system itself provides this service in many cases. When a convicted defendant is placed on probation, for example, it is the court itself that verifies adherence to the conditions of probation. This is accomplished through the work of the court services officer.

If the judge requires the convicted defendant to pay restitution to his victim, the court clerk and court services officer supervise the collection and accounting of restitution. Through this restitution collection function, a variation of which may sometimes be applied to small claims judgments, the court provides additional protection for the private citizen disadvantaged by the actions of another.

Closely related to the restitution function is that assistance provided by the court in the collection of child-support payments from legally obligated parents. Because of reciprocal agreements with other states, this service is available also in cases where the obligated parent lives outside South Dakota. The participation of the court in requiring divorced parents to take proper financial responsibility for their offspring has served to alleviate a serious problem in domestic disputes. It also saves taxpayers dollars by reducing welfare expenditures.

The value of the services mentioned here may not be immediately clear to the public. The probation function, for example, not only saves the exorbitant cost of criminal incarceration, but also provides valuable assistance in the rehabilitation of juvenile or adult offenders. The restitution-collection function provides more appropriate penalties for crimes, while providing a practical social response to the unfortunate victim.

FINANCIAL AND RECORD TRANSFERS

The contributions of the judiciary mentioned above are primarily for the benefit of individual citizens. In addition, the fines and fees received by the courts, whether received for traffic violations, small claims filings, or other services, are distributed to county or municipal governments as indicated in the section on court finance in this publication. Records transfers include criminal statistics sent by the State Court Administrator's Office to the Department of Public Safety, Division of Criminal Investigation, and other agencies, to assist in their crime control efforts.

One other contribution of the court to the financial benefit of the state, somewhat less direct than fines and fees, is in the information provided in support of the sale of driver history records. Traffic information provided to other state agencies by the judiciary is included as a valuable element in these drivers records, the sale of which brings in about $250,000 per year to the state.

The material that follows in this publication is primarily an expository presentation of court facts. Each item, however, also represents a reflection of some contribution by the Unified Judicial System to the State of South Dakota.

SOUTH DAKOTA COURTS, JUDGES, AND JURISDICTIONS

SUPREME COURT

FIVE JUSTICES APPOINTED, AND SUBJECT TO ELECTORATE APPROVAL EVERY EIGHT YEARS. MANDATORY RETIREMENT AT AGE SEVENTY.

COURT TERM COINCIDES WITH CALENDAR YEAR.

HAS ORIGINAL JURISDICTION IN CASES INVOLVING INTERESTS OF STATE. ISSUES ORIGINAL AND REMEDIAL WRITS.

HAS RULE-MAKING POWER OVER LOWER COURT PRACTICE AND PROCEDURE, EXERCISED PRIMARILY THROUGH CHIEF JUSTICE.

HAS APPELLATE JURISDICTION OVER CIRCUIT COURT DECISIONS.

RENDERS ADVISORY OPINIONS TO THE GOVERNOR, BY HIS REQUEST, ON ISSUES INVOLVING EXECUTIVE POWER.

CIRCUIT COURTS

EIGHT CIRCUITS SERVED BY THIRTY-SIX JUDGES, WHO ARE ELECTED AT-LARGE FROM WITHIN THE CIRCUIT FOR AN EIGHT-YEAR TERM.

TRIAL COURT OF ORIGINAL JURISDICTION IN ALL CIVIL AND CRIMINAL ACTIONS. HAS CONCURRENT JURISDICTION WITH MAGISTRATES' COURTS IN MISDEMEANOR TRIALS AND PRELIMINARY HEARINGS, AND APPELLATE JURISDICTION OVER MAGISTRATES' COURT DECISIONS.

MAGISTRATES' COURT

Lay Magistrate

APPOINTED BY THE PRESIDING JUDGE FOR AN INDEFINITE TERM. COMMONLY THIS FUNCTION IS PERFORMED BY THE CLERK OF COURTS. TRAINING PROGRAM PROVIDED BY THE STATE COURT ADMINISTRATOR'S OFFICE.

CONCURRENT JURISDICTION WITH CIRCUIT COURTS TO

PERFORM MARRIAGES, RECEIVE DEPOSITIONS, ISSUE WARRANTS, CONDUCT CERTAIN PRELIMINARY HEARINGS, SET BAIL, ACCEPT GUILTY PLEAS, CONDUCT TRIALS FOR PETTY OFFENSES AND NON-CONTESTED CIVIL CASES INVOLVING PROPERTY VALUE LESS THAN $2,000.00.

Law-Trained Magistrate

LICENSED ATTORNEY APPOINTED BY PRESIDING JUDGE FOR A FOUR-YEAR TERM.

ADDITIONAL JURISDICTION IN MAGISTRATES' COURT.

CONDUCTS PRELIMINARY HEARINGS FOR ALL CRIMINAL PROSECUTIONS, ACTS AS COMMITTING MAGISTRATE FOR ALL PURPOSES. CONDUCTS TRIALS OF CRIMINAL MISDEMEANOR, CIVIL ACTIONS INVOLVING AMOUNTS LESS THAN $2,000.00, AND SMALL CLAIMS ACTIONS.

THE COURT STRUCTURE

As illustrated by the chart on the previous page, the Unified Judicial System of South Dakota functions essentially as a structure of two levels, with the circuit court level employing courts of limited jurisdiction to assist in certain types of court action. The circuit courts are the courts of general jurisdiction, with which the magistrate courts have limited concurrent jurisdiction. Circuit court judges may serve in the magistarate courts, and the magistrates may be perceived as assisting the circuit courts in managing the caseload by dealing with those actions deemed less serious. With the exception of small claims actions, decisions of the magistrate courts may be appealed to the circuit court. The Supreme Court is the court of last resort to which decisions of the circuit courts may be appealed.

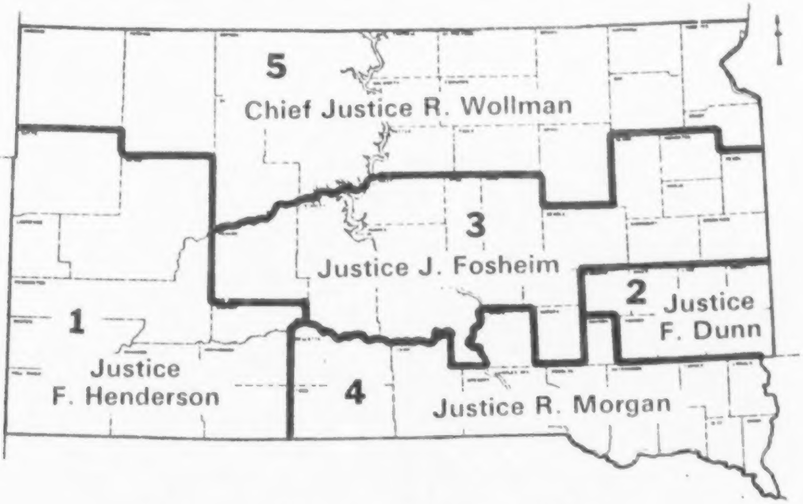
Supreme Court

The South Dakota Supreme Court, the state's highest appellate court, is comprised of the chief justice and four associate justices. All must be licensed to practice law in the state. There is no formal age requirement, but the mandatory retirement age is seventy, after which, with the agreement of the retired justice, he or she may be called back into service in any of the state's courts on an individual case basis.

The original jurisdiction of the Supreme Court extends to cases "in which the interest of the state" is "direct and proximate, affecting the state at large." The jurisdiction also includes power to issue original and remedial writs for situations in which the "interests of the state are in some way directly involved."

The term of court for the Supreme Court coincides with the full calendar year. The sessions are held in the state capitol or in such cities as the Supreme Court may specify by court order.

The present members of the Court were elected, one from each of five districts in the state, for a term of eight years. The map drawing below illustrates the boundaries of the..



SUPREME COURT ELECTORAL DISTRICTS

five Supreme Court electoral districts. The terms are alternated in order to maintain continuity. In districts four and five, justices were elected for eight year terms beginning in 1976; in districts one, two and three, the eight year term began in 1978. In the future, Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court will be filled by Governor's appointment from a list of attorneys nominated by the Judicial Qualifications Commission. All justices will stand for retention election at the end of their current terms. For newly-appointed justices, the retention vote will be held at the next general election following the third year of their appointment, and, for all, thereafter, "every eighth year."

The Supreme Court, in its role as the state's highest judicial body, performs several valuable functions for the government and people of the state. Outside of the legal community, however, there seem to be few people that have any clear awareness of the contributions the Court makes. The justices serve primarily as a court of appellate jurisdiction, having power to hear appeals from case decision of the circuit courts. They also have a limited power to render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.

The appellate function, which unquestionably constitutes the bulk of the Court's workload, is one method by which adherence to accepted principles of justice is maintained in the court processes of the state. It is, however, only one of the ways in which the Supreme Court serves the public.

In addition to the exercise of its control over proper judiciary actions in lower courts and certain agency processes, the Court performs a number of other duties. For example, The Court is responsible for supervising the licensing and disbarment of attorneys, and professional ethical conduct of attorneys and judges in the state. This requires that the justices provide appropriate guidelines and hold disciplinary hearings to maintain professionalism in the conduct of the legal and judicial community.

The rule-making power of the Supreme Court includes control of lower court practice and procedure, terms of court, the number of circuit court judges, boundaries of circuits, admission to legal practice, and general administrative supervision of the Unified Judicial System. In this administrative function, the Court promulgates rules for the operation of the judicial system. In fiscal year 1980, these included modification of the civil appellate procedure, the requirement of regular management reports from the circuit judges, and the specification of a certificate of readiness to begin civil litigation. Rules were changed to regulate the withdrawal of counsel from certain cases, settlement of jury cases, dismissal of civil actions, and modification of criteria used by the Board of Bar Examiners.

Several special orders were issued by the Court during this fiscal year, one of which created the Judicial Planning Committee, organized to provide recommendations to the Court on a wide range of judicial issues. Supreme Court Orders also included the amendment to the code of professional responsibility, which sets standards for lawyers' conduct, and the approval of changes to the by-laws of the state bar association.

Beyond these functions, the Court has responsibility for the appointment of personnel to specific permanent positions in the judicial system, the authorization of commissions within the judicial branch, and approval of membership of those commissions. The Court also establishes rules for effective administrative policy in the system, such as regulations on travel by members of the judicial branch, and other personnel matters.

With the assistance of the Judicial Qualifications Commission, the Court exercises disciplinary control over judges, law-trained magistrates, and justices. Also, the court may appoint such personnel as required to serve the needs of the state judiciary. The Court's administrative responsibility is exercised through the power of the Chief Justice found in the S. D. Const., Art. V, sec. 11. SDCL 16-2-20 provides him extensive authority to take any necessary action to ensure the efficiency of the judiciary process. He is assisted in this function by the administrative components described on pages 12-14.

Annual statistical data for Supreme Court activity will be found on page 16.

The Circuit Courts

The circuit courts are the trial courts of general jurisdiction. The circuit court judges, who are required to be licensed to practice law in the state, have original jurisdiction in all cases and proceedings, and they may hear appeals from the decisions of the magistrate courts. The circuit judges are elected at large from within their district for a term of eight years. The thirty six judges and the law trained magistrates from the eight circuits, in office at the end of fiscal year 1980, are listed on page 10. A map showing circuit boundaries is presented on page 30.

Direct supervisory control over the circuit court process and personnel is exercised by the presiding judge of the circuit, who is appointed to this special administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The extensive authority of the presiding judge includes the following:

1) Arranging schedules and assigning circuit judges for sessions of circuit court, and supervising the calendar for trials or hearings.
2) Appointing clerks, deputies and other personnel within the circuit, and establishing their rate of compensation.
3) Arranging for the proper drawing of jury panels and for the reporting of cases.
4) Periodically reviewing and evaluating personnel in the circuit.
5) Arranging for the availability of circuit judges in each county according to statute (SDCL 16-2-21).

In addition to the concurrent civil and criminal jurisdiction over minor court actions shared with the courts of limited jurisdiction discussed below, circuit court jurisdiction includes trial and disposition of all felony cases. The exclusive original civil jurisdiction of circuit courts includes cases involving 1) dispute of title or boundary of real property, 2) divorce or annulment of marriage, 3) probate, guardianship, and settlement of estates of the deceased, 4) juvenile proceedings, and 5) civil disputes involving amounts exceeding $2,000.00. As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts.

Magistrate Courts

Magistrate courts in South Dakota are created by statute (SDCL 16-12A-2) to assist the circuit courts in handling the criminal caseload and minor civil actions. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding. By statute, a law-trained magistrate is required to be licensed to practice law in the state and is appointed by the presiding judge to a four year term upon approval by the Supreme Court.

In addition to the functions of the court with a lay magistrate presiding, the law trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the court may conduct trials of charges of criminal misdemeanor, civil actions involving amounts less than $2,000.00, and small claims actions.

The lay magistrate may accept guilty pleas and impose fines in minor criminal cases, set bond in criminal cases and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a judge). The lay magistrate's court also has the power to perform marriages, administer oaths and take depositions, issue warrants for arrest or search, and conduct trials in uncontested civil disputes involving amounts less than $2,000.00, and small claims actions. There are 132 lay magistrates in the state, of whom 115 are also clerks of circuit court.

BENCH PERSONNEL BY JUDICIAL CIRCUIT

FIRST JUDICIAL CIRCUIT, Judges:
*Hertz, Ernest W.
Kern, Paul J.
Ulrich, Robert C.
(Jay H. Tapken later appointed)

Law-Trained Magistrates:
**Cody, Mary Dell
Connelly, Riley
Jacobson, Edward A.
(Roger G. Marmet later appointed)

SECOND JUDICIAL CIRCUIT, Judges:
*Christensen, Wayne W.
Heege, Robert C.
Heuermann, William H.
Hurd, Richard D.
Patterson, Robert J.

Law-Trained Magistrates:
**Lieberman, Peter
**Matheson, William

THIRD JUDICIAL CIRCUIT, Judges:
Bradshaw, Dale
Evans, Vernon C.
Martin, Eugene
*Hoyt, Irvin N.
Mydland, Gordon J.
Ries, Thomas G.

FOURTH JUDICIAL CIRCUIT, Judges:
Anderst, Thomas L.
Gerken, Marshall
McMurchie, Boyd L.
*Wuest, George W.

Law Trained Magistrates:
Jones, Rolland
Unke, Michael

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
Dobberpuhl, Eugene E.
*Hall, Philo
Ramynke, Mildred D.

Law-Trained Magistrates:
Bowen, William A.
**Lovrien, Larry
Moeckly, Kent A.
O'Keefe, Robert G.
Rice, George

SIXTH JUDICIAL CIRCUIT, Judges:
Heck, Donald L.
Jones, John B.
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

Law Trained Magistrate:
**Anderson, James W.

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff
Grosshans, Roland
Parker, F. Thomas
Tice, Merton B., Jr.
*Young, Marshall

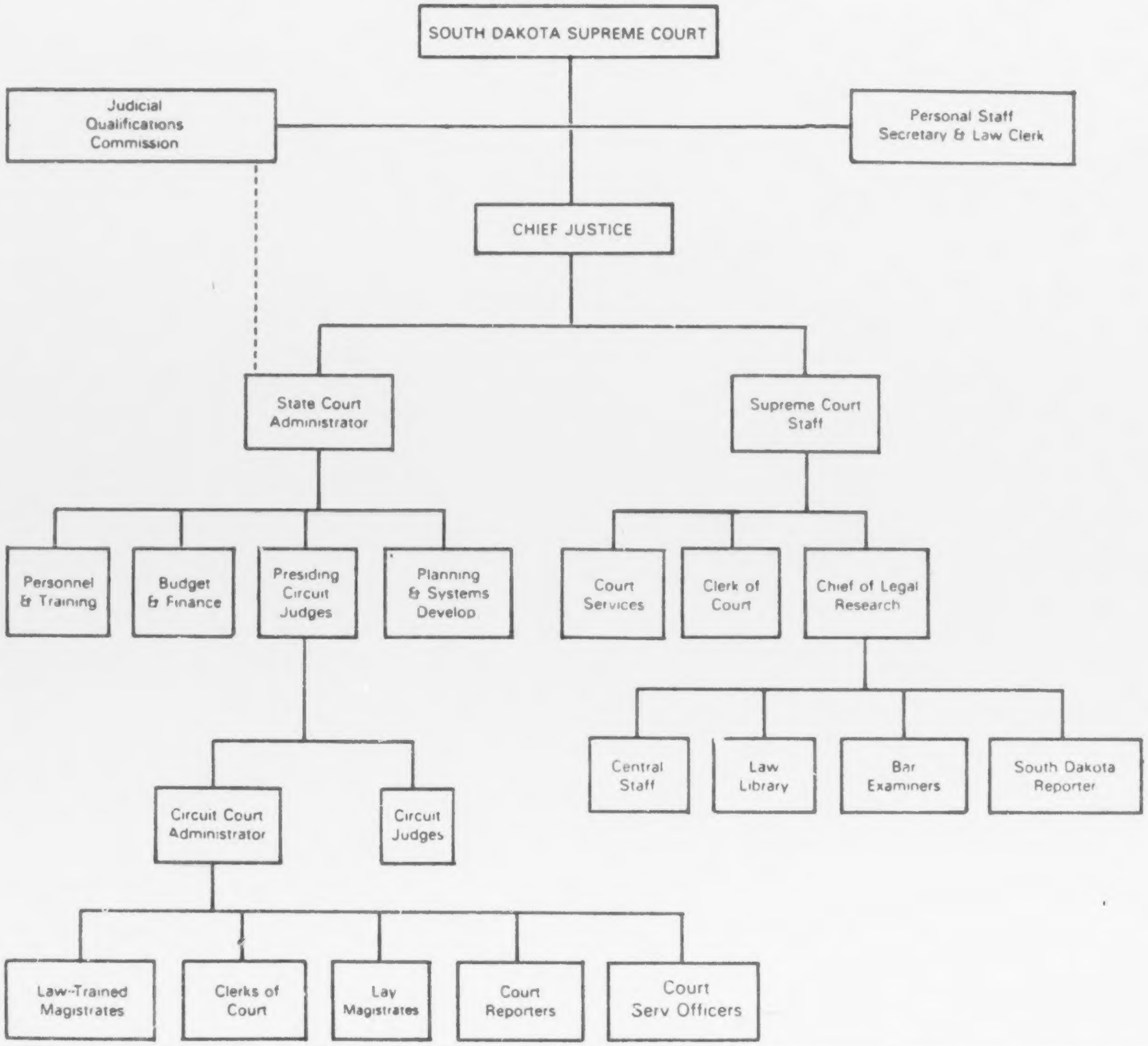
Law-Trained Magistrates:
**Carrell, Charles G.
Klauck, Jack

EIGHTH JUDICIAL CIRCUIT, Judges:
Brandenburg, Roy E.
*Hersrud, Leslie R.
Moses, Scott C.

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Shevlin, Glenn W.

* Indicates presiding judge
** Indicates full-time magistrate

UNIFIED JUDICIAL SYSTEM
Table of Administrative Organization


SOUTH DAKOTA SUPREME COURT
Judicial Qualifications Commission
Personal Staff Secretary & Law Clerk
CHIEF JUSTICE
State Court Administrator
Supreme Court Staff
Personnel & Training
Budget & Finance
Presiding Circuit Judges
Planning & Systems Develop
Court Services
Clerk of Court
Chief of Legal Research
Central Staff
Law Library
Bar Examiners
South Dakota Reporter
Circuit Court Administrator
Circuit Judges
Law-Trained Magistrates
Clerks of Court
Lay Magistrates
Court Reporters
Court Serv Officers

ADMINISTRATIVE AND SUPPORT FUNCTIONS OF THE UNIFIED JUDICIAL SYSTEM

Presiding Judges Meeting

Through the periodic meetings of the presiding judges, bench personnel are afforded direct communications into administrative policy and procedural decisions of the Unified Judicial System. These meetings usually include the eight presiding judges in conference with the Chief Justice. The State Court Administrator, and the Director of Court Services. The agenda encompasses a wide range of subjects involving policy, problems, and current issues relating to the operation of the courts.

Through these meetings, the presiding judges are able to coordinate their administrative activities to keep themselves aware of the latest developments in the court system, promoting uniformity and efficiency among themselves and the judges in their respective circuits. These conferences also afford the executive and legislative branches of state government an opportunity to meet with the judicial personnel responsible for the implementation of operations at the trial level, in order to discuss issues of mutual concern on a more cooperative basis.

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, specified by statute (SDCL 16-14) and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give the bench personnel the opportunity to study the organization, rules, practices, and procedures of the judicial system and make recommendations to the Supreme Court for appropriate change.

Judicial Qualifications Commission

This commission, created by Article V, section 9 of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. Terms of office are staggered to promote continuity, and each member is limited to one four-year term.

One significant function of the Judicial Qualifications Commission is that of assisting the Supreme Court in disciplinary actions against members of the judiciary. It is empowered to receive complaints regarding any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of a justice or judge. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article.

By Constitutional specification, the Commission also reviews applicants for vacancies on the Supreme Court and circuit court bench and nominates a list of the most qualified to the Governor, who in turn appoints a person from that list to fill the vacancy.

Judicial Staff — State

Law Clerk

Recent law school graduates of high academic standing are selected for one-year appointments as law clerks to assist the Supreme Court justices in the extensive writing and research duties required in the preparation of their formal opinions. Each justice usually is assigned one law clerk.

The Clerk of the Supreme Court

The Clerk assists the Chief Justice in the functions of the Court by monitoring the progress of all appeals and original proceedings, scheduling oral arguments before the Court, recording Court decisions, orders and directives, and controlling their release and distribution. This office is also responsible for the management of court records, compilation of appellate statistics and attorney lists, and documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed to this position performs several vital functions for the Court:

1) As executive secretary of the bar examiners, assists the examiners in developing, administering, and correcting the examinations given to persons seeking admission to the bar.
2) As Supreme Court law librarian, is responsible for supervising and maintaining the Supreme Court law library.
3) As central staff attorney, prescreens appeals and drafts internal working memoranda, per curiam opinions, and orders for review by the Court.
4) As Supreme Court reporter, is responsible for the publication of the official South Dakota Supreme Court Reports. These reports will be discontinued after 1980.

State Court Administrator's Office

Directly responsible to the Chief Justice, this office provides administrative direction and management support services to the Unified Judicial System. In addition to management, research, and analysis functions, there are three major subdivisions of the office, each operating within its own sphere of administrative activity.

The personnel and training division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees.

The budget and finance office is responsible for the development and administration of the annual budget, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory.

The division of planning and systems development is responsible for the operation and maintenance of the judicial management information system, the analysis of caseload and disposition data, and other planning research reports.

Director of Court Services

This office is responsible to the Chief Justice for the development and coordination of all statewide activities directly related to juvenile and adult presentence investigations, probation services, and placement of problem juveniles, including the purchase of related services. The director supervises the professional operations of the court services officers, whose functions are described in the following section.

Judicial Staff — Circuits

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the administration of the circuit. This includes budget, personnel, accounting, and statistical reporting responsibility. Presently, only the Second and Seventh Judicial Circuits are staffed with full time circuit court administrators. In the other circuits, there is usually an administrative secretary who assists in these functions.

Clerk of Courts

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, receive and record fines and fees for the courts, assist and inform the public on matters involving the schedule of the court and proper procedures, and maintain the appropriate court records for the judicial reporting system. The clerk of court calls and selects the jury, and functions as lay magistrate for the county.

Court Services Officers

The primary duties of the court services officers include 1) conducting presentence and juvenile prehearing investigations, 2) Generating the appropriate reports and recommendations resulting from those investigations, 3) providing juvenile diversion, probation, and family treatment services, 4) coordinating and receiving restitution payments, 5) supervising probation assignments as ordered by the courts, and 6) providing juvenile offenders with foster care and residential group care services.

Each judicial circuit is assigned a chief court services officer, who provides administrative channels of communications for the court services programs in that circuit. As the Chief Court Services Officer Council, these officers meet with the Director of Court Services on a quarterly basis. The primary purpose of these conferences is to review the status of programs in order to identify problems in the delivery of service and develop appropriate uniform solutions. The meetings also provide an opportunity for the court services management team to discuss their ideas and mutual concerns. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporters

Each circuit judge is assigned a full time court reporter, whose duty it is to keep detailed records of those courtroom activities which require verbatim transcripts, to make those transcripts available, and to assist the court in any related needs. The court reporter also provides secretarial services to the judge.

JUDICIAL SYSTEM STATISTICS

Supreme Court Data

The primary function of the Supreme Court is the concise analysis of legal issues in creating formal opinions. These published decisions promote a consistent and coherent structure of judicial interpretation for the state. In this function, the five Supreme Court Justices are the collegial supervisors of the administration of justice in South Dakota.

In each of the opinions rendered, the justices are expected to participate and contribute their own independent expertise. This places a considerable workload on each justice and his law clerk in the research and analysis of issues and precedent toward the effective preparation of each opinion.

Obviously, the analytical quality of these opinions cannot be properly measured by any existing statistical method. Therefore, the caveat must be offered that the data below present the productivity of the Court only in terms of numbers. The most important dimension of the decisions, the judicial effectiveness and quality of analysis, cannot be presented statistically.

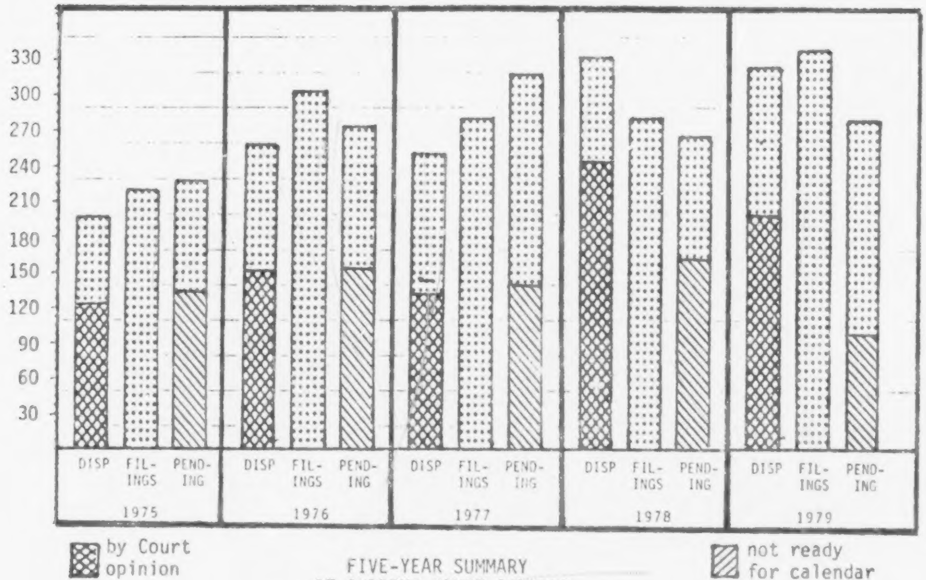
In the calendar year data below, "DISP" indicates the number of appellate cases disposed by majority opinion of the court. The total of these filings and dispositions also includes requests for review that are denied or dismissed. Pending cases are cumulative, and the number shown is the total pending at the end of the year. Those actions that are not ready for calendar are incomplete usually because some essential part of the file has not yet been submitted. The number of these is expected to be reduced by recent changes in the Rules of Appellate Procedure.

Filing and disposition data for the five year period show a gradual increase, while pending cases have remained relatively stable for three of the last five years. This indicates that, while there has been a rise in the number of appeals being generated, the Court has been increasing its productivity in response to the demand.

Pending cases shown are those accumulated at the end of the calendar year. Backlog cases are those pending actions above the number not ready for calendar. Some backlog is normally to be expected, and the amount of backlog may be considered the indicator of the Court's productivity in relation to the number of filings during a given period. The data indicate that 1978 was an especially productive year, when the backlog was reduced by about 50%, to one third of total dispositions. In 1979, backlog increased by about 70%, while total pending cases remained nearly unchanged.

In 1980, projections show that dispositions will increase while filings, pending, and backlog will decrease. If the 1978 data represent reasonable Court productivity, and the 1979-1980 trend continues, the Court will probably achieve a balanced caseload with a manageable backlog within the next four years.

SUPREME COURT STATISTICS
By Calendar Year



FIVE-YEAR SUMMARY
OF SUPREME COURT ACTIONS

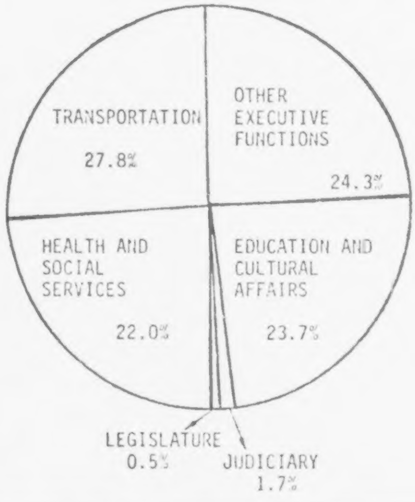
CAL-ENDAR YEAR	TOTAL FILINGS	TOTAL DISPO-SITIONS	OPINIONS/ CASES DISPOSED	TOTAL PENDING ACTIONS	NOT READY FOR HEARING
1975	218	196	111/122	223	134
1976	297	252	131/152	270	152
1977	280	246	99/130	315	139
1978	279	331	202/244	263	162
1979	334	323	165/212	278	96
PROJ. 1980	321	386		250	100

SUPREME COURT DATA FOR FISCAL YEAR 1980:

FILINGS	341
Appeals	273
Intermediate Appeals	28
Original Proceedings	20
Reinstated Filings	18
Miscellaneous Filings	20
DISPOSITIONS	346
Opinions/Cases	170/202
Orders of Dismissal/Cases	93/95
Orders of Denial	31
Miscellaneous	18
STATUS OF CASES PENDING	289
Submitted and Pending	118
Ready for Submission	57
Not Ready for Calendar	114

FINANCING THE COURTS

COMPARISON OF EXPENDITURES



STATE BUDGET ALLOCATION

		AMOUNT IN MILLIONS	PERCENT OF TOTAL
EXECUTIVE:			
Transportation		$144.7	27.8
Education and Cultural Affairs		123.3	23.7
Health and Social Services		115.0	22.0
Other Executive Agencies			
Charities and Corrections	$30.8		
Labor	20.9		
Executive Management	20.1		
Game, Fish and Parks	13.9		
Public Safety	13.0		
Other	27.8		
Total, Other Executive Agencies		126.5	24.3
LEGISLATIVE		2.8	0.5
JUDICIARY		8.8	1.7
TOTAL		$521.1	100.0

Appropriations

The Unified Judicial System is funded from state appropriations and federal grants received by the State Court Administrator's Office. The circular chart depicts the largest categories of total state budget allocation for fiscal year 1980.

The legislature requires the counties to reimburse the state's general fund 25% of the total expenditure for the operation of the Unified Judicial System for the previous fiscal year. In September each year, the State Court Administrator's Office certifies to each county its share of this reimbursement, prorated on the basis of the county's population. Statute also provides for a remission to the state general fund of 35% of all fines, penalties, and forfeitures collected by the circuit courts for violations of municipal ordinances and paid to the cities.

In addition to these reimbursements, the counties and municipalities pay witness fees, and jury fees, and, for indigent defendants, the cost of appointed counsel and transcripts. They also provide the facilities for all judicial employees located within the county or municipality. Many counties maintain a county law library, which is partially funded from a law library fee collected on each civil filing in the circuit court.

CLERK OF COURT RECEIPTS AND DISBURSEMENTS

CASH RECEIPTS	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTAL
CITY FINES	$ 128,076	$ 518,530	$ 138,649	$ 73,048	$ 125,143	$ 59,980	$ 220,868	$ 91,570	$ 1,355,864
CITY COSTS RECOVERED		3,944	910	5	728	40	95	181	5,903
CITY FORFEITURES	124	4,142	7,441	1,166	647	304	883	403	15,110
STATE FINES	401,434	323,205	456,034	370,622	270,880	330,212	370,041	249,375	2,771,803
STATE COSTS RECOVERED	4,223	39,170	5,602	14,530	7,250	14,381	15,089	23,108	123,353
STATE FORFEITURES	3,641	8,097	3,923	5,785	7,436	6,824	4,089	4,547	44,342
CASH FEES	65,732	85,693	80,118	42,470	62,168	50,911	57,721	43,014	487,827
LAW LIBRARY FEE	7,689	12,335	9,951	5,212	8,372	6,714	8,748	5,462	64,483
POSTAGE (SMALL CLAIMS)	3,093	3,313	4,578	1,614	3,535	3,293	4,427	1,984	25,837
LAW OFFICER TRAINING FEE	30,761	56,180	37,157	26,881	23,426	24,767	40,286	19,319	258,777
COURT APPOINTED ATTORNEY FEE	1,430	704	6,820	6,136	3,511	10,830	3,142	6,184	38,757
PETTY OFFENSES FINES			105		634	60	1,373	25	2,197
RESTITUTION	56,025	81,778	66,595	61,147	48,295	29,850	77,518	21,831	443,039
POSTED BONDS	79,218	110,286	45,660	84,487	142,080	96,027	141,233	60,354	759,345
OTHER	25,553	213	4,558	18,817	5,065	11,312	24,747	276	90,541
SUPPORT/ALIMONY COLLECTED	212,688	550,006	1,023,076	364,636	536,496	457,039	917,870	353,833	4,415,644
TRUST FUND	82,035	46,652	171,373	46,075	171,704	142,117	118,694	68,186	846,836
TOTAL RECEIPTS	$1,101,722	$1,844,248	$2,062,550	$1,122,631	$1,417,370	$1,244,661	$2,006,824	$ 949,652	$11,749,654
CASH DISBURSED									
REMITTED TO CITIES	$ 128,400	$ 526,616	$ 146,998	$ 74,219	$ 126,519	$ 60,325	$ 221,845	$ 92,153	$ 1,377,075
REMITTED TO COUNTIES	514,797	525,191	599,264	469,729	384,874	444,235	516,833	350,710	3,805,633
RESTITUTION	52,897	56,026	65,568	59,474	48,094	29,637	65,037	18,833	395,566
SMALL CLAIMS POSTAGE	3,095	3,313	4,428	1,613	3,237	3,283	4,432	1,984	25,385
POSTED BOND REFUND	80,118	112,904	42,600	62,530	132,385	84,673	137,950	54,141	707,301
MISCELLANEOUS REFUND	103	193	724	458	4,365	434	782	21	7,080
OTHER	25,404	213	3,976	18,394	1,295	14,390	7,621	320	71,613
SUPPORT/ALIMONY FORWARDED	212,688	550,006	1,023,076	364,636	536,496	457,039	917,870	353,833	4,415,644
TRUST FUND	75,585	38,720	169,625	64,737	180,153	128,162	128,540	73,376	858,898
TOTAL DISBURSED	$1,093,087	$1,813,182	$2,056,259	$1,115,790	$1,417,418	$1,222,178	$2,000,910	$ 945,371	$11,664,198

See following page for definitions.

Definitions

City Fines: Collected for violations of city ordinances. A percentage of these is remitted to the state general fund for reimbursement of the court system. The remainder stays with the municipality.

City Costs Recovered: Received for costs incurred by a city in processing cases. The money is retained by the city.

City Forfeitures: Bond forfeitures retained for violation of city ordinance. A percentage goes to the state general fund and the remainder goes to the city.

State Fines: Collected for violation of state law. The money is sent to the Department of School and Public Lands to be pro-rated and returned to the school districts in the county from which it was received.

State Costs Recovered: Returned to the county for services, such as performing blood tests on DWI offenders.

State Forfeitures: Bond forfeitures retained for violations of state laws. This money, formerly remitted to the state general fund, is now retained by the county.

Cash Fees: Collected for filings, such as small claims actions, and retained by the county.

Law Library Fee: Collected with civil case filing fees, to support the county law library.

Law Officer Training Fee: Added to fines for certain criminal offenses, to support training of law enforcement personnel.

Court-Appointed Attorney Fee: Occasionally paid by indigent defendants after trial, court-appointed counsel fees collected, usually as a condition of probation, are reimbursed to the county general fund.

Restitution: Amount paid by defendant to reimburse injured party. No part retained by court.

Support/Alimony Payments: Generally, support payments established in divorce cases. Received by the clerk and paid as specified by the court. No part retained by the court.

Trust Fund and Posted Bond: Funds held in trust pending court action. The money is either returned to the proper party, or, particularly in the case of bonds, forfeited according to court assessment. The forfeitures are defined above.

The "Other" category includes miscellaneous money received by the court system other than those listed above.

	CIRCUIT JUDGE	LAW TRAINED MAGIS.	LAY MAGIS-TRATE	COURT REPORTER	LAW CLERK	COURT ADMIN-ISTRATOR	COURT SERVICES OFFICER	SEC-RETARY	CLERK OF COURT	DEPUTY CLERK	BAILIFF	TOTAL
1ST CIRCUIT	4.0	2.0	1.0	4.0			8.0	3.0	9.0	12.0	.5	43.5
2ND CIRCUIT	5.0	2.0	.7	7.0	2.0	1.0	12.0	5.5	2.0	19.0	4.4	60.6
3RD CIRCUIT	6.0			6.0			8.0	4.0	11.0	15.7	.5	51.2
4TH CIRCUIT	4.0	1.0	.4	4.0			6.0	3.0	10.4	8.1	.7	37.6
5TH CIRCUIT	4.0	2.1	.1	5.0	1.0		7.0	4.0	8.0	10.9	.6	42.7
6TH CIRCUIT	5.0	1.0	1.5	5.0	1.0		6.5	2.5	12.5	7.8	.7	43.5
7TH CIRCUIT	5.0	1.6	1.5	6.0	1.0	1.0	10.0	4.5	4.0	18.0	1.7	54.3
8TH CIRCUIT	3.0	2.0	.9	4.0			5.0	2.0	6.5	5.8	1.6	31.8
	36.0	~~12.2~~ 11.7	6.1	41.0	5.0	2.0	62.5	28.5	63.4	97.3	10.7	364.2

STAFFING ALLOCATIONS
BY JUDICIAL CIRCUIT

Staffing changes in the judicial circuits during fiscal year 1980 have been relatively small. The total secretary FTE (2080 hours of employment equals one full time position) increased by 1.5, and there was a small increase in Deputy Clerks and bailiffs, to accommodate locally increasing caseloads. The first, fourth, and eighth circuits had no change in the staffing of the clerk's office.

COMMENTARY ON COLLECTION AND USE OF CASELOAD INFORMATION

South Dakota is one of a large number of states that collect court caseload information for management purposes. Since unification, caseload statistics for South Dakota's Judicial System have been furnished regularly to the State Court Administrator by the clerk of court offices in each county of the state. The information is intended for several applications, including compliance with statutes requiring interagency transfer of records, and management of internal operations.

Within the UJS, the primary application of the data is in support of administrative analysis of judicial circuit needs. This data is also used to provide records assistance to the clerks, and statistical support to the circuit courts for management decisions about personnel, equipment, or procedures.

The interagency requisites involve transfer of UJS data to the Department of Public Safety for the maintenance of records of traffic violators, and to the Division of Criminal Investigation for the revision of criminal records to identify previous offenders and career criminals.

Many states use caseload data as a basis for management decision making. Differences among states are mainly found in the categories of data that are collected, depending on the size and types of jurisdiction, and the intended applications of the information.

The traditional independence of the judiciary, and the decentralized nature of some state court structures, sometimes create impediments to effective collection of detailed caseload data. In a growing number of states, however, the financial pressures created by increasing government competition for resources, and the corresponding need for the courts to justify their budget requests, is causing an expansion of the data collection process.

For those states in which the courts receive funding from the state (rather than from local budgets), the need for a persuasive data base has already arrived. Legislative committees handling appropriations need some valid basis for budget allocation, and caseload data is one of the more acceptable methods of validating funding requests. As a result, the collection of complete, accurate judicial data has become a priority concern in the judicial structure of many states. In several of these states, as in South Dakota, data is not only collected, but is published regularly for distribution to interested agencies and citizens.

In South Dakota, categories of data collected have been evolved in parallel with the development of the information system itself. Presently, the system collects several categories of criminal data which are filed and stored in the state's central data processing center. These include criminal infractions of all types: petty offense, misdemeanor, and felony. Considerable detail is recorded, particularly in misdemeanor I and felony categories.

The class II misdemeanor has a maximum penalty of thirty days and $100.00. Class I carries a maximum of one year in the county jail and a $1000.00 fine. For the class A felony, the mandatory penalty is life impriconment or death. The remaining six classes of felony are numbered and are graduated in severity of punishment from a maximum of life imprisonment and a $25,000.00 fine for class one, to a maximum of two years in state prison and a $2,000.00 fine for class six. These statutory limits promote uniformity of sentencing by classification of crime which may be considered a type of modified determinate sentencing.

In addition, civil (non-criminal) case information is collected manually on monthly summary forms. These forms are filed in the offices of the State Court Administrator. The categories include both filings and dispositions, contested and uncontested, actions in divorce, small claims, and other civil litigation. The form also includes civil actions by judge, and separate filing summaries for probate, guardianship, and adoption hearings.

Although the amount of information for civil actions is limited in comparison to the criminal, the data collected is useful in developing profiles of category patterns. For example, the impact of small claims statute changes, such as an increase in the maximum claim limit, may be discerned in the patterns of small claims dispositions that occur following these modifications. The trends in contested divorces, in comparison with those uncontested, may be analyzed to indicate a need for policy or statutory change in handling those actions.

Regarding criminal data, the detail and availabity of the information is especially useful in comparative analysis of judicial caseload. In this application, it is possible to determine if there are any problems within certain jurisdictions that might be amenable to administrative solution. An especially large increase in jury trials in a given jurisdiction, for example, might indicate a need for the Supreme Court to make personnel adjustments to accommodate the change.

The level of data complexity, and amount collected, depends essentially on the administrative and operational need. In almost all categories of cases, criminal and civil, information is collected on both filings and dispositions of cases. This particular combination of data provides administrative personnel with a valuable cross reference. It allows the presiding judge or his administrator to determine whether there is any pattern to cases that are not being disposed effectively, and whether there is a problem with backlog of pending cases.

Generally, the combination of filings and dispositions furnish comparative categories from which a more complete profile of case data can be developed. The caseload data for non-criminal cases is collected in a minimum of detail, which reduces the value of this information in management applications. Collection of additional data, regarding, for example, value of property in civil disputes, types of parties in small claims actions (corporations, collection agencies, attorneys), ages of children in divorce cases, and amount of time lapsed between filing and disposition of cases, would add a valuable dimension to non-criminal case analyses.

CIRCUIT CASELOAD STATISTICS
FY 1980 CRIMINAL ACTIONS

	MISDEMEANOR CASES									FELONY CASES			
	Class 2					Class 1							
	Petty Offense	Prelim Hearing	Guilty Plea /Dismissed	Trial		Prelim Hearing	Guilty Plea /Dismissed	Trial		Prelim Hearing	Guilty Plea/ Dismissed	Trial	
1st Circuit				Court	Jury			Court	Jury			Court	Jury
Bon Homme	4	0	418	1	0	1	56	0	2	3	6	0	1
Charles Mix	4	1	1566	3	0	4	161	0	0	9	14	0	2
Clay	2	0	2078	42	0	12	82	3	1	12	29	1	4
Douglas	1	0	321	0	0	5	20	0	0	2	1	0	0
Hutchinson	4	0	450	5	0	3	30	1	0	1	1	0	0
Lincoln	8	0	1565	134	0	22	109	6	1	9	42	0	2
Turner	0	1	1000	25	0	15	52	4	0	1	8	0	0
Union	11	1	1744	52	1	7	100	8	0	7	49	4	1
Yankton	9	3	2703	73	7	43	234	7	10	37	74	1	11
1st Circuit Total	**43**	6	**11845**	**335**	**8**	**112**	**844**	**29**	**14**	**81**	**224**	**6**	**21**
2nd Circuit													
Minnehaha	691	13	25,443	1003	5	199	1253	71	12	212	690	0	16
3rd Circuit													
Beadle	20	0	2868	46	6	11	184	6	2	7	37	1	2
Brookings	4	0	2474	14	7	12	278	2	2	11	74	1	3
Clark	1	0	362	1	0	0	16	0	0	0	5	0	0
Codington	6	0	3874	89	0	52	270	6	1	25	48	0	0
Deuel	2	5	374	29	8	22	36	0	0	8	10	0	3
Faulk	2	0	293	0	0	2	18	0	0	1	5	0	0
Grant	2	0	872	36	0	11	105	2	3	5	11	0	0
Hamlin	2	0	317	4	0	1	29	0	1	2	4	0	0
Hand	2	0	697	6	0	5	105	0	2	1	5	0	0
Kingsbury	4	0	547	4	0	7	43	2	0	2	2	0	0
Spink	1	0	1155	6	0	3	53	1	0	1	12	0	1
3rd Circuit Total	**46**	**5**	**13833**	**235**	**21**	**126**	**1137**	**19**	**11**	**63**	**213**	**2**	**9**
4th Circuit													
Aurora	36	0	678	0	0	2	13	3	2	3	4	1	0
Brule	2	0	1298	3	3	21	114	3	2	8	25	0	0
Buffalo	0	0	15	0	0	0	2	0	0	0	0	0	0
Davison	5	0	3849	16	0	24	299	2	6	24	86	1	12
Hanson	0	1	288	3	0	5	21	0	0	0	0	0	0
Jerauld	0	0	171	2	0	4	20	2	0	4	5	1	1
Lake	1	1	1293	21	0	26	206	3	2	12	51	6	0
McCook	17	1	1104	5	0	5	73	0	1	4	26	0	0
Miner	2	0	271	3	0	0	17	0	0	4	5	0	0
Moody	2	0	989	27	2	8	53	8	2	10	12	5	0
Sanborn	1	0	488	1	0	1	32	0	0	0	1	0	0
4th Circuit Total	**66**	3	**10444**	**81**	**5**	**96**	**850**	**21**	**15**	**69**	**215**	**14**	**13**

CIRCUIT CASELOAD STATISTICS
FY 1980 CRIMINAL ACTIONS

	MISDEMEANOR CASES									FELONY CASES			
	Class 2					Class 1							
	Petty Offense	Prelim Hearing	Guilty Plea /Dismissed	Trial		Prelim Hearing	Guilty Plea /Dismissed	Trial		Prelim Hearing	Guilty Plea/ Dismissed	Trial	
5th Circuit				Court	Jury			Court	Jury			Court	Jury
Brown	6	2	5159	84	4	125	335	8	0	29	115	0	0
Campbell	1	1	166	0	0	4	8	0	0	10	8	0	0
Day	9	0	725	80	0	8	63	3	0	5	25	0	1
Edmunds	4	1	590	12	0	4	56	3	0	5	19	0	1
Marshall	0	0	545	15	0	1	60	0	0	0	4	0	0
McPherson	0	0	94	4	0	2	7	5	0	0	1	0	0
Roberts	8	3	1477	11	0	14	193	6	2	11	53	0	2
Walworth	9	0	1561	1	4	0	114	0	0	21	39	0	3
5th Circuit Total	**37**	**7**	**10317**	**207**	**8**	**158**	**836**	**25**	**2**	**81**	**264**	**0**	**7**
6th Circuit													
Butte	4	1	824	5	2	9	77	3	1	9	25	0	0
Gregory	1	0	414	2	1	5	41	1	1	3	18	0	0
Haakon	6	1	318	3	0	10	48	6	0	0	1	1	
Hughes	3	1	2718	62	3	79	288	7	11	46	85	1	3
Hyde	0	0	192	2	0	6	21	2	0	4	5	0	0
Jackson/Wash.	0	2	1673	5	0	8	41	0	1	5	12	0	2
Jones	14	0	891	2	1	4	19	0	0	1	8	0	0
Lyman	3	0	995	1	0	4	31	0	2	3	3	0	1
Mellette	0	0	131	0	2	10	28	1	0	4	3	0	0
Potter	1	0	452	0	0	6	34	1	4	1	1	1	0
Stanley	2	0	717	16	1	14	71	0	0	11	28	0	3
Sully	2	0	303	2	0	2	12	1	0	1	1	0	0
Tripp & Todd	1	0	1170	3	2	37	130	0	9	24	31	0	5
6th Circuit Total	**37**	**5**	**10798**	**103**	**12**	**194**	**841**	**22**	**29**	**112**	**221**	**3**	**14**
7th Circuit													
Custer	21	2	860	7	1	23	80	0	2	9	14	0	0
Fall River & Shan	12	3	1198	13	1	33	148	1	4	27	68	0	6
Pennington	243	4	17844	368	41	252	1088	10	32	194	325	6	21
7th Circuit Total	**276**	**9**	**19902**	**388**	**43**	**308**	**1316**	**11**	**38**	**230**	**407**	**6**	**27**
8th Circuit													
Butte	55	1	791	22	0	24	206	1	5	28	43	0	4
Corson	0	1	240	4	0	3	9	0	1	5	8	0	1
Dewey	0	0	220	0	0	1	14	0	0	2	3	0	0
Harding	2	0	328	2	1	0	5	0	0	1	0	0	0
Lawrence	9	0	2857	2	0	43	267	1	8	31	72	0	4
Meade	2	1	1831	15	2	19	196	3	0	23	61	0	1
Perkins	3	0	480	1	0	5	36	0	2	2	11	1	0
Ziebach	0	0	240	0	0	0	3	0	0	0	0	0	
8th Circuit Total	**71**	**3**	**6987**	**46**	**3**	**95**	**736**	**5**	**16**	**92**	**198**	**1**	**10**
STATE TOTAL	1267	51	**109559**	2398	105	1288	7813	203	137	940	2432	32	117

CIRCUIT CASELOAD STATISTICS
FY 1980 CIVIL FILINGS & DISPOSITIONS

	CIVIL CASES					DIVORCE			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	Filings		Dispositions				Dispositions			Dispositions						
				Trials												
1st Circuit	Admin	General	Default	Court	Jury	Filings	Default	Contested	Filings	Default	Contested	Probate	Adoption	Mental Illness	Guardianship	Juvenile Petitions
Bon Homme	0	48	13	21	2	21	1	8	148	137	23	143	4	5	6	10
Charles Mix	2	87	71	46	2	55	31	31	307	267	44	79	4	5	7	15
Clay	4	119	36	17	3	41	23	12	218	150	23	72	3	4	9	13
Douglas	0	26	19	0	0	9	6	0	66	52	1	31	0	1	2	2
Hutchinson	1	52	23	5	1	20	9	4	113	100	13	91	1	3	9	5
Lincoln	2	103	58	2	2	57	31	0	255	221	14	105	9	3	7	47
Turner	8	71	34	3	1	16	9	2	145	107	2	99	5	4	16	45
Union	23	121	65	30	0	58	47	28	310	257	44	76	11	0	11	1
Yankton	12	160	55	20	2	106	62	28	425	385	50	94	16	130	22	53
1st Circuit Total	52	787	374	144	13	383	219	113	1987	1676	214	790	53	155	89	191
2nd Circuit																
Minnehaha	34	2392	1748	71	27	652	552	74	2389	1262	440	485	84	125	74	491
3rd Circuit																
Beadle	2	234	137	10	2	130	109	3	629	451	98	133	29	8	15	50
Brookings	2	238	174	33	5	105	70	37	758	740	93	187	18	12	14	51
Clark	2	53	44	1	0	12	12	0	73	69	8	51	3	0	13	6
Codington	22	267	187	11	3	86	51	34	696	514	65	111	24	11	22	68
Deuel	0	29	13	4	1	9	6	9	98	85	15	46	2	1	4	18
Faulk	2	6	6	0	0	5	3	5	55	48	1	19	3	1	4	4
Grant	8	76	40	4	0	42	28	6	138	128	20	112	4	1	8	44
Hamlin	0	38	21	8	1	11	8	4	86	62	9	54	1	1	7	14
Hand	2	27	16	6	4	12	7	3	125	100	16	50	3	1	5	10
Kingsbury	1	62	28	8	1	18	2	16	138	117	22	81	2	1	5	21
Spink	7	103	34	3	1	58	28	4	184	76	12	87	8	9	28	6
3rd Circuit Total	48	1133	700	88	18	488	324	121	2980	2390	359	931	97	46	125	292
4th Circuit																
Aurora	1	67	24	5	1	4	2	0	78	60	8	21	0	8	2	3
Brule	2	78	34	6	2	22	18	0	91	77	3	49	6	4	2	19
Buffalo	0	8	4	0	0	5	2	1	17	13	1	5	1	0	0	0
Davison	11	234	118	20	5	102	37	37	489	420	72	102	13	9	11	32
Hanson	0	19	2	0	1	3	1	3	35	27	2	19	1	1	0	7
Jerauld	1	20	16	1	2	1	4	4	55	49	4	13	2	1	3	3
Lake	2	67	47	6	7	44	27	5	332	246	16	78	5	5	9	26
McCook	0	49	38	4	0	14	11	1	97	82	10	75	4	0	11	13
Miner	0	28	10	0	1	6	1	4	55	40	6	43	2	0	4	3
Moody	5	52	69	51	5	17	21	22	145	133	13	44	4	3	4	24
Sanborn	4	17	18	2	0	11	5	1	58	47	9	34	4	2	3	2
4th Circuit Total	26	639	380	95	24	229	129	78	1452	1194	144	483	42	33	49	132

CIRCUIT CASELOAD STATISTICS
FY 1980 CIVIL FILINGS & DISPOSITIONS

	CIVIL CASES					DIVORCE			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	Filings		Dispositions				Dispositions			Dispositions						
				Trials												
5th Circuit	Admin	General	Default	Court	Jury	Filings	Default	Contested	Filings	Default	Contested	Probate	Adoption	Mental Illness	Guardianship	Juvenile Petitions
Brown	3	795	658	67	3	215	186	56	1296	821	194	117	27	8	47	90
Campbell	0	12	3	5	4	1	0	1	69	35	3	11	0	1	0	5
Day	0	85	82	16	0	22	6	9	349	234	13	75	2	2	9	35
Edmunds	7	37	25	0	0	8	6	0	57	48	0	50	6	2	0	4
Marshall	0	33	25	3	0	18	12	1	163	116	12	43	2	2	3	11
McPherson	5	37	23	2	0	11	7	1	36	28	1	31	6	0	10	4
Roberts	1	78	41	7	1	40	30	2	200	160	10	88	3	3	13	84
Walworth	1	75	27	4	2	15	14	3	130	120	12	41	3	7	5	39
5th Circuit Total	17	1152	884	104	10	330	261	73	2300	1562	245	456	49	25	87	272
6th Circuit																
Bennett	0	20	6	0	0	6	4	0	59	37	18	11	0	2	2	8
Gregory	0	53	21	6	7	17	14	0	106	80	26	56	2	2	7	10
Haakon	0	34	10	6	3	2	0	5	66	48	19	31	1	1	4	11
Hughes	26	329	162	33	18	87	86	16	1081	895	133	52	11	16	8	42
Hyde	4	13	8	7	0	2	3	2	64	40	8	22	2	2	7	0
Jackson	1	10	6	1	0	11	9	0	40	35	3	19	1	3	0	6
Jones	3	26	8	3	0	6	4	4	43	34	3	14	2	0	1	2
Lyman	5	44	24	9	1	16	11	2	125	79	8	27	8	4	3	6
Mellette	0	28	21	4	1	12	11	4	30	27	4	4	8	1	4	9
Potter	0	32	17	3	2	12	12	1	58	37	5	19	2	1	3	2
Stanley	4	75	54	17	2	22	17	4	177	159	18	24	5	0	3	2
Sully	0	29	10	2	0	7	5	2	61	47	14	35	0	0	8	0
Tripp/Todd	23	111	9	8	2	72	44	9	233	212	25	76	3	0	12	25
6th Circuit Total	66	804	356	99	36	272	220	49	2143	1730	284	390	45	32	62	123
7th Circuit																
Custer	2	92	39	25	0	43	36	8	197	100	27	19	7	4	5	28
Fall R./Shannon	4	139	34	0	5	71	69	2	173	140	8	89	11	10	22	16
Pennington	24	957	1002	161	12	632	578	70				224	66	80	27	171
R.C.	0	211	109	10	4				1650	961	243	0	0	39	0	
7th Circuit Total	30	1399	1184	196	21	746	683	80	2020	1201	278	332	84	133	54	215
8th Circuit																
Butte	2	140	48	0	0	151	34	0	205	147	13	61	10	2	15	16
Corson	0	27	19	3	0	7	1	4	116	88	14	23	1	2	2	6
Dewey	0	26	8	2	0	13	10	6	72	82	12	22	2	2	2	6
Harding	2	15	14	5	0	2	1	2	22	18	0	40	0	0	4	1
Lawrence	2	265	141	3	3	116	103	11	373	189	64	94	23	1	13	31
Meade	2	140	113	109	2	110	97	143	294	226	49	64	17	33	14	42
Perkins	3	39	12	4	0	16	7	8	58	54	2	39	8	10	6	15
Ziebach	0	7	3	0	0	3	1	0	21	22	1	13	1	0	0	0
8th Circuit Total	11	665	358	126	5	418	254	174	1161	826	155	356	62	50	56	117
STATE TOTAL	284	8971	5984	923	154	3518	2642	762	16432	11841	2119	4223	516	599	596	1833

COURT SERVICES CASELOAD

JUVENILE	Referrals	Diversion	PHI*	Informal Adjustment	Placed on Probation
1st Circuit					
Delinquency	404	202	65	34	78
CHIN**	38	17	7	3	4
2nd Circuit					
Delinquency	755	85	353	7	147
CHIN	170	21	94	7	48
3rd Circuit					
Delinquency	477	142	79	23	179
CHIN	42	3	8	0	22
4th Circuit					
Delinquency	261	126	66	3	69
CHIN	35	2	16	0	11
5th Circuit					
Delinquency	321	37	31	4	180
CHIN	22	1	9	0	11
6th Circuit					
Delinquency	367	61	106	11	61
CHIN	40	4	17	1	8
7th Circuit					
Delinquency	414	144	64	7	131
CHIN	49	8	10	2	9
8th Circuit					
Delinquency	183	60	19	6	88
CHIN	15	0	5	0	11
State Total					
Delinquency	3182	857	783	95	933
CHIN	411	56	166	13	124

*Pre-hearing Investigation Reports
**Child in need of Supervision

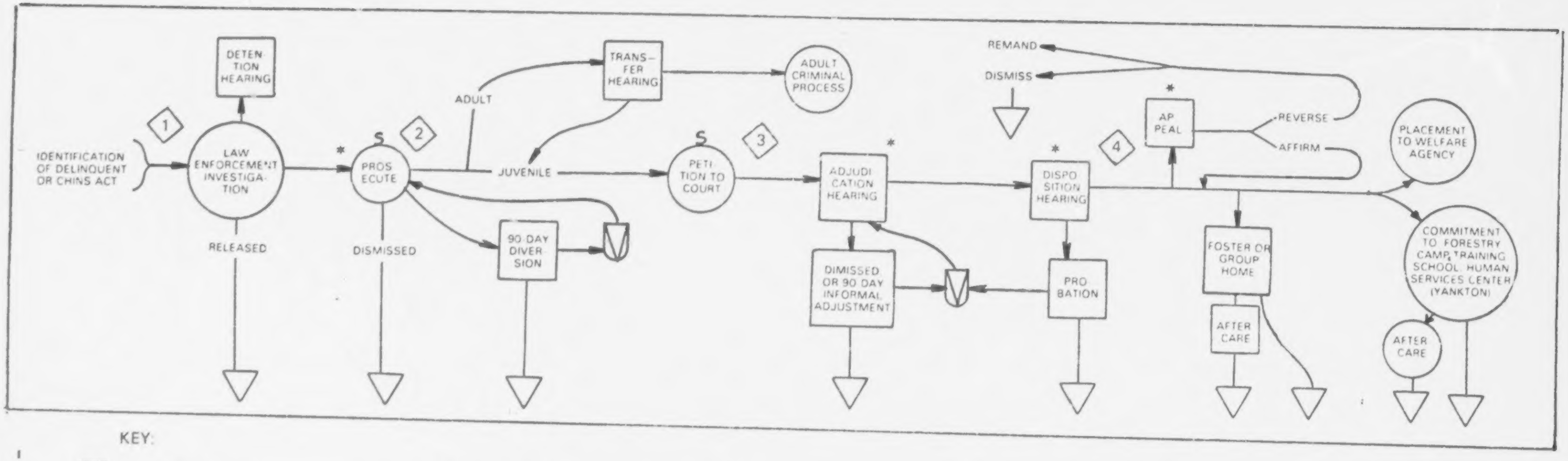
On probation as of 1 July 1980: Juveniles 808, Felons 820

ADULT	Pre-Sentence Investigation	Placed on Probation
1st Circuit		
Felony	40	47
Misdemeanor	380	224
2nd Circuit		
Felony	73	126
Misdemeanor	150	767
3rd Circuit		
Felony	55	58
Misdemeanor	298	395
4th Circuit		
Felony	37	45
Misdemeanor	54	44
5th Circuit		
Felony	23	70
Misdemeanor	74	210
6th Circuit		
Felony	52	47
Misdemeanor	214	190
7th Circuit		
Felony	119	90
Misdemeanor	196	714
8th Circuit		
Felony	31	21
Misdemeanor	90	246
State Total		
Felony	430	504
Misdemeanor	1456	2790

COURT SERVICES

Each of the eight judicial circuits is provided with administrative support by the court services program responsible for the special handling required for juvenile problems and probations. Part of the function of the court services officer is to perform pre-sentence investigations and reports at the request of the court (pre-hearing investigations in the case of a juvenile). The CSO also supervises the payment of restitution, and is responsible for the proper care and control of the juvenile offender, and for the supervision of persons on probation.

JUVENILE DELINQUENCY AND CHINS** PROCESS


IDENTIFICATION OF DELINQUENT OR CHINS ACT
1
LAW ENFORCEMENT INVESTIGATION
DETENTION HEARING
RELEASED
*
S
PROSECUTE
2
DISMISSED
ADULT
TRANSFER HEARING
ADULT CRIMINAL PROCESS
JUVENILE
90 DAY DIVERSION
S
PETITION TO COURT
3
*
ADJUDICATION HEARING
DIMISSED OR 90 DAY INFORMAL ADJUSTMENT
*
DISPOSITION HEARING
PROBATION
4
*
APPEAL
REVERSE
AFFIRM
REMAND
DISMISS
FOSTER OR GROUP HOME
AFTER CARE
PLACEMENT TO WELFARE AGENCY
COMMITMENT TO FORESTRY CAMP, TRAINING SCHOOL, HUMAN SERVICES CENTER (YANKTON)
AFTER CARE

KEY:

□	JUDICIAL ACTION
○	OTHER AGENCY ACTION
S ○	STATES' ATTORNEY ACTION
Ⓥ	VIOLATION OF IMPOSED CONDITIONS
*	SIGNIFICANT DECISION POINTS
▽	DISCHARGED FROM SYSTEM

PROCESS FOR JUVENILE DELINQUENCY ACTION

◇1 LAW ENFORCEMENT OFFICERS RECEIVE REPORT OF A PROBLEM INVOLVING A JUVENILE. AN INFORMATION MAY BE REGISTERED WITH THE LAW ENFORCEMENT AGENCY OR THE POLICE THEMSELVES MAY OBSERVE THE COMMISSION OF AN ACT INDICATING DELINQUENCY. IN THE PROCESS OF INVESTIGATION, THE POLICE MAY APPREHEND THE JUVENILE AND DETAIN HIM OR HER FOR AS LONG AS 48 HOURS (EXCLUDING SUNDAYS AND LEGAL HOLIDAYS) WITHOUT A DETENTION HEARING. MORE COMMONLY, HOWEVER, IF A DETENTION HEARING APPEARS TO BE NECESSARY, IT IS HELD WITHIN A RELATIVELY SHORT TIME.

BETWEEN THE DETENTION HEARING AND THE DISPOSITION HEARING, THE JUVENILE MAY BE HELD IN DETENTION OR RELEASED TO THE CUSTODY OF PARENT, GUARDIAN, OR OTHER RESPONSIBLE ADULT.

◇2 THE DECISION TO TRANSFER THE CASE FOR ADULT PROSECUTION, OR TO PROCESS IT THROUGH THE JUVENILE SYSTEM, IS MADE BY THE STATES' ATTORNEY. IF HE DECIDES TO TRANSFER THE CASE TO THE ADULT PROCEDURE, A TRANSFER HEARING MUST BE HELD BEFORE A CIRCUIT—COURT JUDGE TO DECIDE WHETHER THIS IS AN APPROPRIATE STEP.

THE STATES' ATTORNEY MAY ELECT TO DISMISS THE MATTER ENTIRELY, OR HE MAY DECIDE TO DEAL WITH THE PROBLEM THROUGH THE 90-DAY DIVERSION, WHICH PLACES THE CASE INFORMALLY UNDER THE CONTROL OF THE COURT SERVICES OFFICER.

◇3 THE STATES' ATTORNEY PETITIONS THE CIRCUIT COURT TO HOLD THE ADJUDICATION HEARING, WHICH IS THE EQUIVALENT TO THE TRIAL HELD IN THE ADULT COURT. THIS HEARING MAY RESULT IN DISMISSAL, INFORMAL ADJUSTMENT, WHICH PLACES THE CASE INFORMALLY UNDER THE CONTROL OF THE COURT SERVICES OFFICER, OR THE DECISION TO INVOKE FORMAL SANCTION, WHICH THEN NECESSITATES HOLDING A DISPOSITION HEARING.

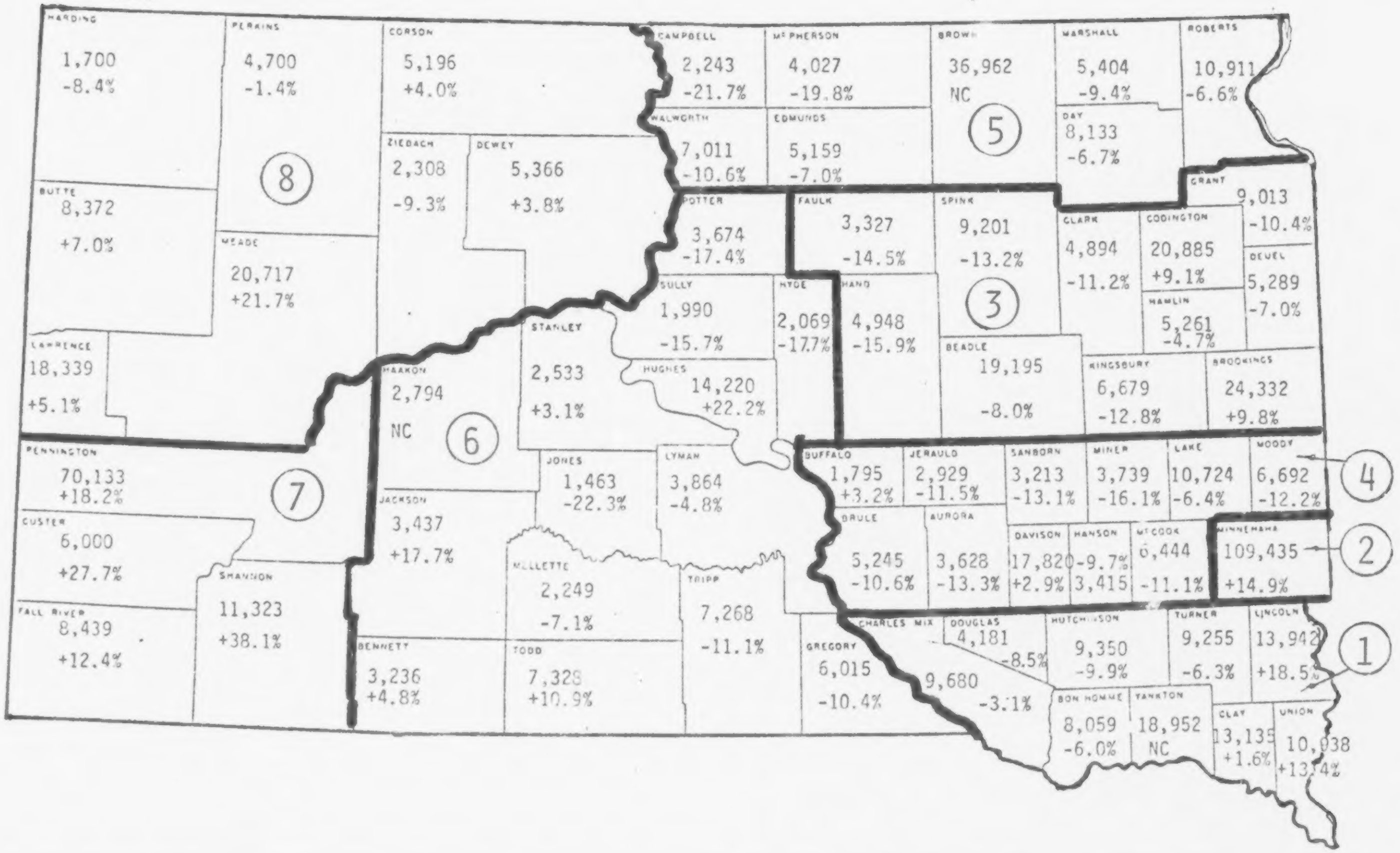
◇4 AT THE DISPOSITION HEARING, THE CIRCUIT COURT JUDGE MAY a) PLACE THE JUVENILE ON PROBATION, b) ASSIGN THE JUVENILE TO SOME TYPE OF CARE OUTSIDE THE HOME, WHICH WOULD INVOLVE FOSTER OR GROUP HOME CARE OR PLACEMENT IN THE CARE OF A WELFARE AGENCY, OR c) THE JUVENILE MAY BE COMMITTED TO ONE OF THE INSTITUTIONS INDICATED. AFTERCARE FOLLOWING ASSIGNMENT TO THE FOSTER OR GROUP HOME DESIGNATES CARE RESPONSIBILITY TO THE COURT SERVICES OFFICER. FOLLOWING INSTITUTIONAL COMMITMENT, AFTERCARE IS THE RESPONSIBILITY OF THE BOARD OF CHARITIES AND CORRECTIONS.

** CHINS (CHILD IN NEED OF SUPERVISION) INVOLVES THOSE SITUATIONS IN WHICH THE JUVENILE CANNOT BE CONTROLLED AT HOME. THE PROCESS FOR THESE CASES IS ESSENTIALLY THE SAME AS THAT SHOWN EXCEPT THAT COMMITMENT TO THE TRAINING SCHOOL IS PROHIBITED.

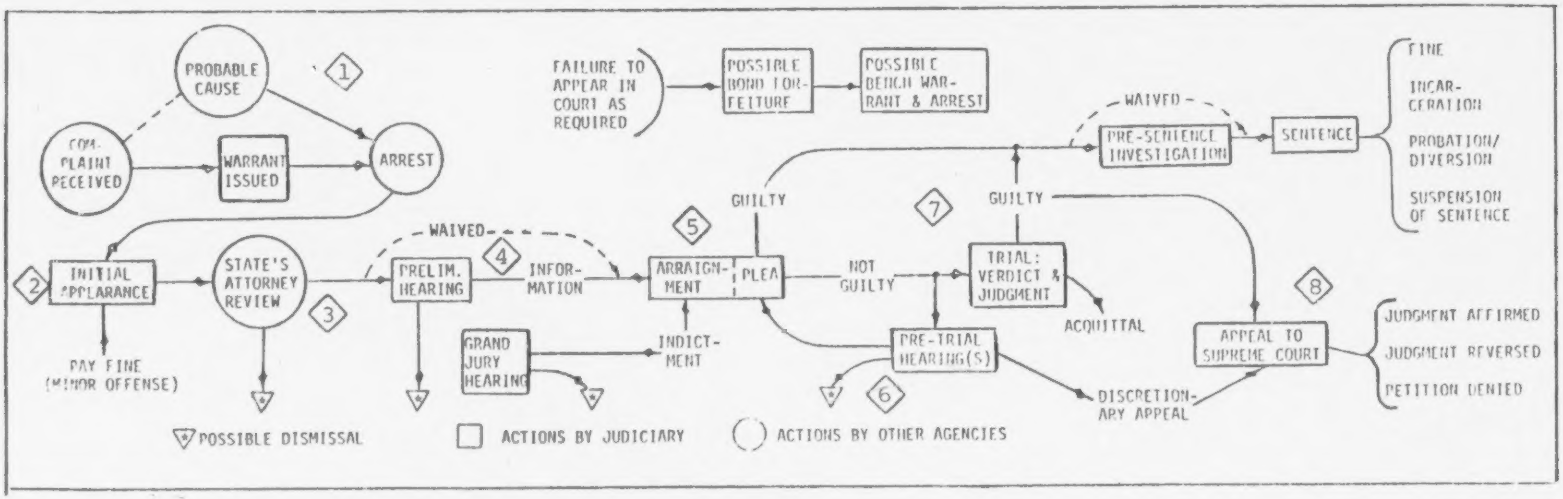
POPULATION CHANGE

The state map shows the boundary lines for the Eight Judicial Circuits. Within each county is noted the projected 1980 population in thousands, along with the percentage of increase or decrease from 1970 to 1980. A minus sign preceding the percentage number indicates a decrease. With the exception of Hughes and Stanley Counties, which include the city of Pierre, population in counties in the north and central area of the state show a consistent decline in population. The Black Hills area, Sioux Falls, and counties in the southeast and southwest increased in population.

JUDICIAL CIRCUITS AND POPULATION CHANGE FROM 1970 TO 1980


HARDING 1,700 -8.4%
PERKINS 4,700 -1.4%
CORSON 5,196 +4.0%
CAMPBELL 2,243 -21.7%
McPHERSON 4,027 -19.8%
BROWN 36,962 NC
MARSHALL 5,404 -9.4%
ROBERTS 10,911 -6.6%
WALWORTH 7,011 -10.6%
EDMUNDS 5,159 -7.0%
DAY 8,133 -6.7%
ZIEBACH 2,308 -9.3%
DEWEY 5,366 +3.8%
BUTTE 8,372 +7.0%
MEADE 20,717 +21.7%
POTTER 3,674 -17.4%
FAULK 3,327 -14.5%
SPINK 9,201 -13.2%
CLARK 4,894 -11.2%
CODINGTON 20,885 +9.1%
GRANT 9,013 -10.4%
DEUEL 5,289 -7.0%
HAMLIN 5,261 -4.7%
SULLY 1,990 -15.7%
HYDE 2,069 -17.7%
HAND 4,948 -15.9%
BEADLE 19,195 -8.0%
KINGSBURY 6,679 -12.8%
BROOKINGS 24,332 +9.8%
LAWRENCE 18,339 +5.1%
STANLEY 2,533 +3.1%
HAAKON 2,794 NC
HUGHES 14,220 +22.2%
PENNINGTON 70,133 +18.2%
JONES 1,463 -22.3%
LYMAN 3,864 -4.8%
BUFFALO 1,795 +3.2%
JERAULD 2,929 -11.5%
SANBORN 3,213 -13.1%
MINER 3,739 -16.1%
LAKE 10,724 -6.4%
MOODY 6,692 -12.2%
JACKSON 3,437 +17.7%
CUSTER 6,000 +27.7%
BRULE 5,245 -10.6%
AURORA 3,628 -13.3%
DAVISON 17,820 +2.9%
HANSON -9.7% 3,415
McCOOK 6,444 -11.1%
MINNEHAHA 109,435 +14.9%
MELLETTE 2,249 -7.1%
TRIPP 7,268 -11.1%
SHANNON 11,323 +38.1%
FALL RIVER 8,439 +12.4%
BENNETT 3,236 +4.8%
TODD 7,328 +10.9%
GREGORY 6,015 -10.4%
CHARLES MIX 9,680 -3.1%
DOUGLAS 4,181 -8.5%
HUTCHINSON 9,350 -9.9%
TURNER 9,255 -6.3%
LINCOLN 13,942 +18.5%
BON HOMME 8,059 -6.0%
YANKTON 18,952 NC
CLAY 13,135 +1.6%
UNION 10,938 +13.4%
①
②
③
④
⑤
⑥
⑦
⑧

JUDICIAL CIRCUIT	POPULATION		SQUARE MILES	JUDICIAL CIRCUIT	POPULATION		SQUARE MILES
	1970	1980			1970	1980	
First	96.7	97.5	5,471	Fifth	84.6	79.9	8,411
Second	95.2	109.5	813	Sixth	62.1	62.1	17,731
Third	115.9	113.0	10,292	Seventh	79.8	95.9	8,179
Fourth	70.7	65.6	6,203	Eighth	61.3	66.7	18,859
				Totals	666.2	690.2	75,959


PROBABLE CAUSE
1
COM-PLAINT RECEIVED
WARRANT ISSUED
ARREST
FAILURE TO APPEAR IN COURT AS REQUIRED
POSSIBLE BOND FOR-FEITURE
POSSIBLE BENCH WAR-RANT & ARREST
WAIVED
PRE-SENTENCE INVESTIGATION
SENTENCE
FINE
INCAR-CERATION
PROBATION/ DIVERSION
SUSPENSION OF SENTENCE
GUILTY
7
GUILTY
2
INITIAL APPEARANCE
STATE'S ATTORNEY REVIEW
3
WAIVED
PRELIM. HEARING
4
INFOR-MATION
5
ARRAIGN-MENT
PLEA
NOT GUILTY
TRIAL: VERDICT & JUDGMENT
ACQUITTAL
8
APPEAL TO SUPREME COURT
JUDGMENT AFFIRMED
JUDGMENT REVERSED
PETITION DENIED
PAY FINE (MINOR OFFENSE)
GRAND JURY HEARING
INDICT-MENT
PRE-TRIAL HEARING(S)
6
DISCRETION-ARY APPEAL
POSSIBLE DISMISSAL
ACTIONS BY JUDICIARY
ACTIONS BY OTHER AGENCIES

SUMMARY OF CRIMINAL PROCESS

1 CRIMINAL PROSECUTION MAY BEGIN WITH AN ARREST MADE AFTER WARRANT ISSUE, OR AFTER DETERMINING PROBABLE CAUSE THAT A CRIME HAS BEEN COMMITTED. IF THE OFFENSE IS A CLASS TWO MISDEMEANOR, THE ACCUSED MAY BE RELEASED PENDING APPEARANCE IN COURT OR PAYMENT OF AN ESTABLISHED FINE. FOR CLASS ONE MISDEMEANORS OR FELONIES, THE ACCUSED IS CUSTOMARILY BROUGHT BEFORE A JUDGE OR MAGISTRATE FOR THE INITIAL APPEARANCE.

2 AT THE INITIAL APPEARANCE, THE COURT VERIFIES THAT A PROPER ARREST WAS MADE, AND THAT THE ACCUSED UNDERSTANDS HIS RIGHTS. IF THE ACCUSED IS INDIGENT, AN ATTORNEY MAY BE APPOINTED. THE COURT ALSO ESTABLISHES CONDITIONS OF RELEASE, USUALLY BY A BOND OR PERSONAL RECOGNIZANCE. IF, AT SOME LATER POINT, THE ACCUSED FAILS TO APPEAR IN COURT AS DIRECTED, THE COURT MAY RETAIN THE BOND, ISSUE A BENCH WARRANT FOR HIS IMMEDIATE ARREST, AND HAVE HIM CHARGED WITH THE ADDITIONAL OFFENSE OF FAILURE TO APPEAR.

3 THE STATE'S ATTORNEY DECIDES WHETHER THERE IS SUFFICIENT EVIDENCE TO PROSECUTE, AND WHAT SPECIFIC CHARGES SHOULD BE BROUGHT. UNDER CERTAIN CONDITIONS, THE STATE'S ATTORNEY BEGINS THE CRIMINAL PROSECUTION BY PRESENTING EVIDENCE TO THE GRAND JURY. IF THE EVIDENCE IS SUFFICIENT, THE GRAND JURY ISSUES AN INDICTMENT AGAINST THE ACCUSED.

4 NORMALLY, UNLESS WAIVED BY THE ACCUSED, A PRELIMINARY HEARING IS HELD AT WHICH THE STATE'S ATTORNEY PRESENTS EVIDENCE IN COURT TO DEMONSTRATE THAT IT IS SUFFICIENT TO SUPPORT THE ACTION AGAINST THE ACCUSED. A TRANSCRIPT OF THIS PROCEEDING IS MADE AVAILABLE TO THE DEFENSE ATTORNEY TO ASSIST IN THE PREPARATION OF HIS CASE. THE "INFORMATION" IS A DOCUMENT PREPARED BY THE STATE'S ATTORNEY WHICH PRESENTS THE ESSENTIALS OF THE STATE'S CHARGE.

5 AT THE ARRAIGNMENT, THE COURT VERIFIES THAT THE DEFENDANT UNDERSTANDS HIS CONSTITUTIONAL RIGHTS, AND THE CHARGES AGAINST HIM, WHICH ARE READ BY THE STATE'S ATTORNEY. THEN THE COURT ACCEPTS THE DEFENDANT'S PLEA. IF THE PLEA IS NOT GUILTY, A TRIAL DATE IS SET. IF THE PLEA IS GUILTY OR NOLO CONTENDERE, SENTENCE WILL BE IMPOSED.

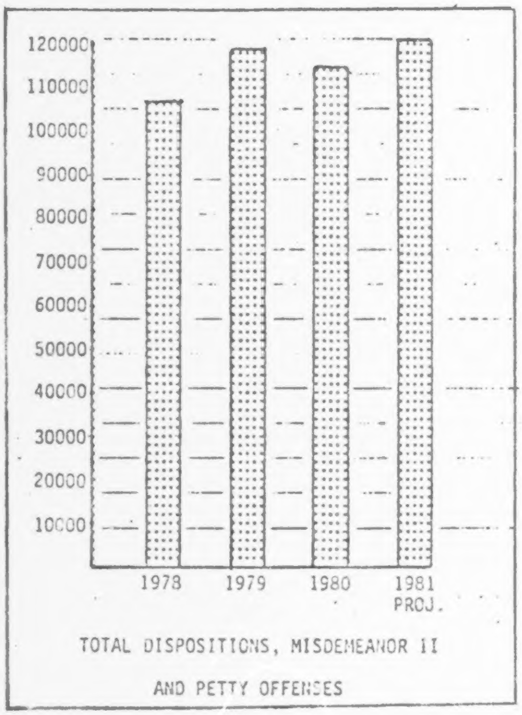
6 PRIOR TO TRIAL, THE COURT MAY BE REQUESTED TO RULE ON PRELIMINARY LEGAL QUESTIONS, SUCH AS THE ADMISSIBILITY OF CERTAIN EVIDENCE. THE COURT'S DECISION, AT ITS OWN DISCRETION, MAY BE APPEALED TO THE SUPREME COURT AND THE TRIAL POSTPONED UNTIL THE APPELLATE DECISION IS RECEIVED. THIS MAY RESULT IN A DISMISSAL OR A CHANGE OF PLEA BY THE DEFENDANT.

7 UNLESS WAIVED BY HIM, THE DEFENDANT HAS A RIGHT TO A JURY TRIAL. THE JUDGE DECIDES MATTERS OF LAW, THE JURY (OR THE JUDGE, IF THE JURY IS WAIVED) DECIDES QUESTIONS OF FACT. THE STATE'S ATTORNEY PRESENTS THE STATE'S CASE AGAINST THE DEFENDANT, THE DEFENDANT'S ATTORNEY PRESENTS HIS DEFENSE. AT THE CONCLUSION OF THEIR PRESENTATIONS AND FINAL ARGUMENTS, THE JUDGE INSTRUCTS THE JURY ON THE LAW OF THE CASE, THE JURY THEN DECIDES THE VERDICT, AND THE JUDGE RENDERS THE JUDGMENT IN ACCORDANCE WITH APPROPRIATE LAW AND THE JURY'S VERDICT. AT THE JUDGE'S REQUEST, THE COURT SERVICES OFFICER PREPARES A PRE-SENTENCE INVESTIGATION REPORT TO ASSIST HIM IN SENTENCING THE CONVICTED DEFENDANT. SENTENCE MAY BE ANY COMBINATION OF FINE, INCARCERATION, PROBATION, OR SUSPENSION.

8 IF THE DEFENDANT CLAIMS AN ERROR IN THE APPLICATION OF LAW TO HIS CASE, HE MAY PETITION THE SUPREME COURT TO CORRECT THE ERROR. IF THE SUPREME COURT DECIDES TO CONSIDER THE APPEAL, THE DECISION WILL EITHER BE TO AFFIRM THE ACTION OF THE TRIAL COURT, IN WHICH CASE THE JUDGMENT OF CONVICTION STANDS, OR REQUIRE THAT THE COURT TAKE SOME ACTION TO CORRECT THE ERROR. THE PROSECUTION RARELY HAS A RIGHT TO APPEAL AN ACQUITTAL.

UNIFIED JUDICIAL SYSTEM
FIVE YEAR CASELOAD SUMMARY

MISDEMEANOR II AND PETTY OFFENSE

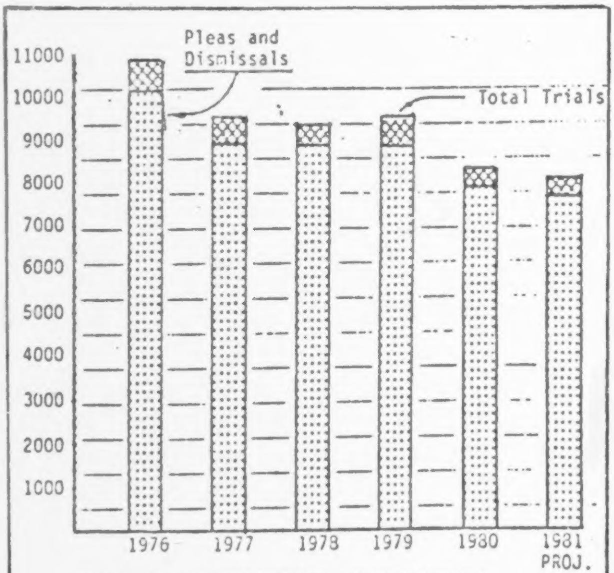


TOTAL DISPOSITIONS, MISDEMEANOR II AND PETTY OFFENSES

In this category, most of the data is collected for less-serious traffic offenses. Minor insufficient funds violations are also included. The information is limited to three years of actual data because of changes in the method of collection. A few of the cases are disposed at formal trial, but most are guilty pleas accompanied by payment of a fine. The decrease in cases shown for 1980 is probably related to the energy crisis and the resultant reduction in automobile usage.

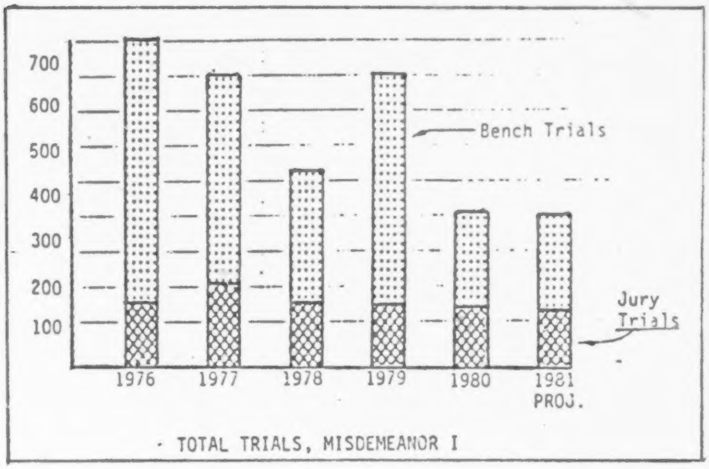
The 1981 projection is mathematical, based on the increase from 1978 to 1980, but this should probably be modified in consideration of the continuation of the forces that caused the decline in 1980. Also, in 1981, the introduction of more effective techniques of enforcement of penalties for traffic violations, particularly through license suspension, may be influential in reducing the actual 1981 figures below the projection shown.

MISDEMEANOR I



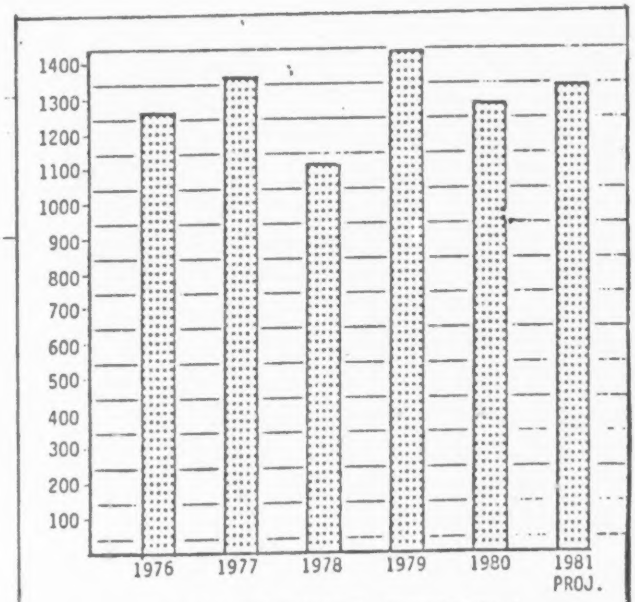
TOTAL CASE DISPOSITIONS, MISDEMEANOR I

Primarily, serious traffic offenses (driving while intoxicated, reckless driving), simple assault, and insufficient funds violations over $100 comprise this category of data. The chart showing total dispositions illustrates the approximate proportion of trials to pleas and dismissals, and demonstrates the gradual declining trend of offenses recorded. The number of jury trials remains remarkably consistent over the five year period. In relation to the decline in total dispositions, this may be seen as a moderate increase in the percentage of cases disposed by jury trial. Bench trials, with the exception of 1979, show a pattern of substantial decline--approximately 50% from 1976 through 1978, and another 30% to 1980. The percentage decrease in pleas and dismissals is about half that of bench trials.



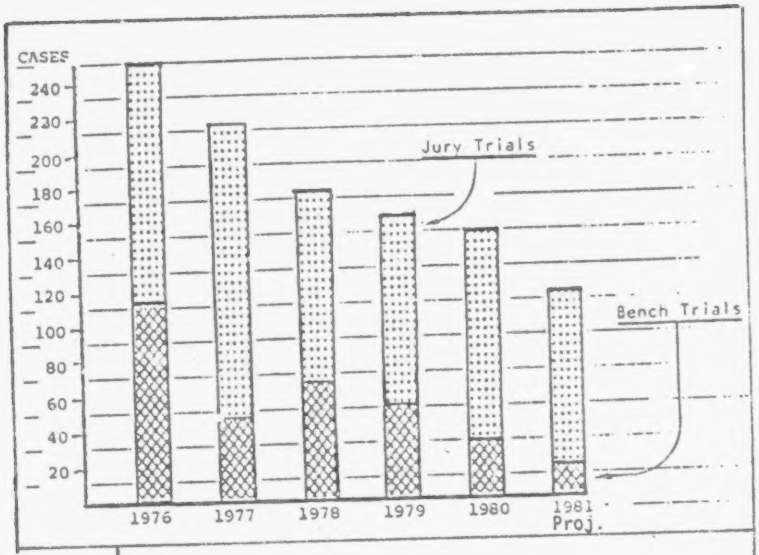
TOTAL TRIALS, MISDEMEANOR I

The overall decline in dispositions may reflect the increase in gasoline prices, and may portend, therefore, a more extensive case decline than that shown in the mathematical projection for 1981. Annual totals of preliminary hearings of misdemeanor I cases are relatively stable and, in relation to the decrease in dispositions, indicate that fewer of the hearings are being waived. With the exception of 1980, preliminary hearings are consistently about double the number of trials. During 1980, with the decline in trials, preliminary hearings are about triple the number of trials. These relationships may reflect some change in the pre-trial actions of the prosecution or the judiciary that result in increased guilty pleas in misdemeanor I actions.



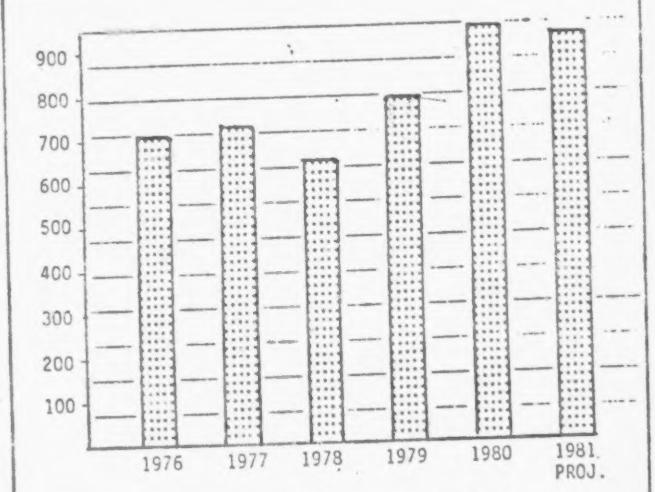
PRELIMINARY HEARINGS, MISDEMEANOR I

TOTAL TRIALS, FELONY

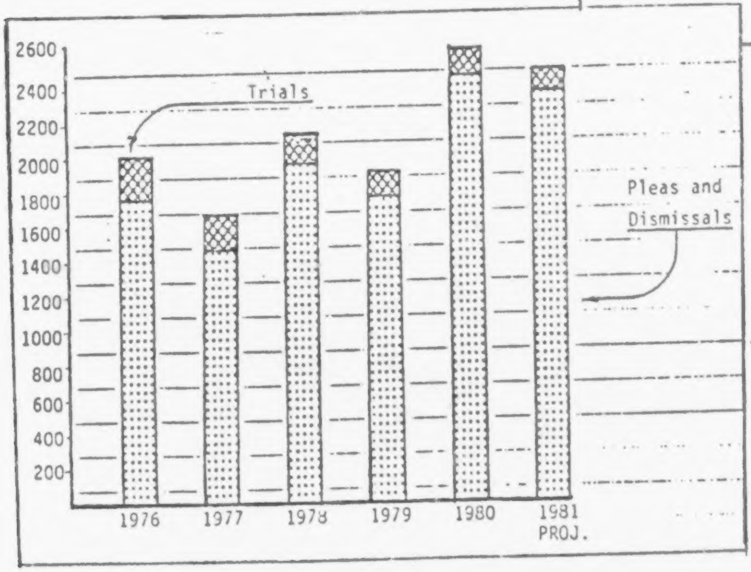


FELONY

Annual data for felony preliminary hearings as well as those for pleas and dismissals show a parallel pattern of gradual increase from 1978 through 1980. Yet, during the past five years, felony trials, both bench and jury, demonstrate an almost linear downward trend. This could be perceived as an illustration of more efficient techniques of investigation and prosecution, or it may reflect a more expansive application of plea bargaining. The immediate impact of the data is that the felony trial caseload of circuit judges has declined by about 45% in the past five years.



PRELIMINARY HEARINGS, FELONY

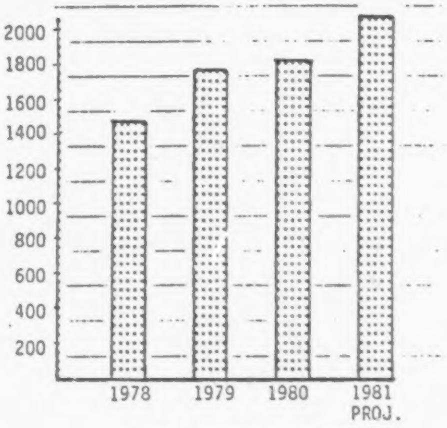


TOTAL CASE DISPOSITIONS, FELONY

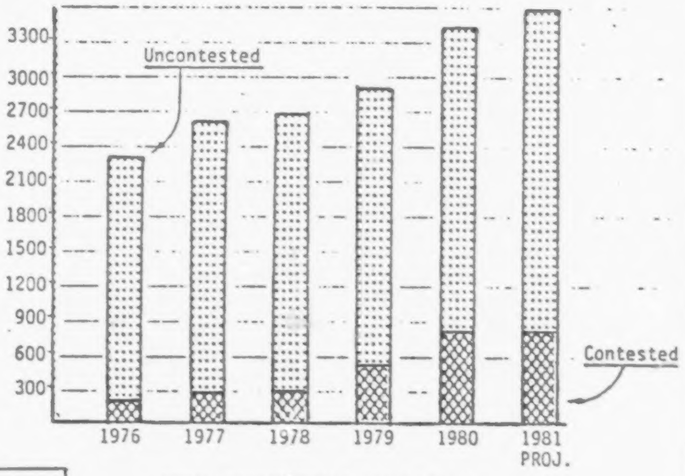
CIVIL ACTIONS

As the number of felony trials declines, there is an apparent increase in the part of the circuit court caseload devoted to juvenile petitions. The mathematical projection for 1981 indicates a continued increase in this category.

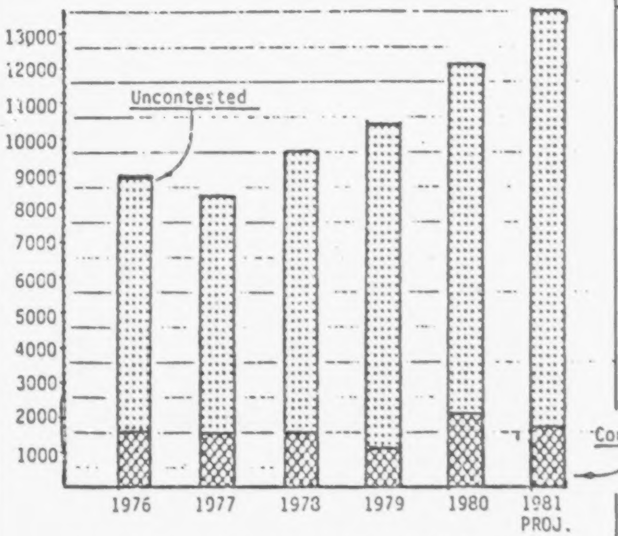
In the three major categories of civil action during the five year period, there has been a substantial increase in caseload, particularly in uncontested cases. The data show that contested divorce has risen by nearly 400%, while uncontested divorce has increased by 25%. Uncontested small claims actions have increased by 50% and are expected to rise even further due to legislative expansion of small claims jurisdiction to a $2000 maximum. In the "other" category, which constitutes general civil litigation, uncontested cases have increased by 65%; trials are up nearly 100%.



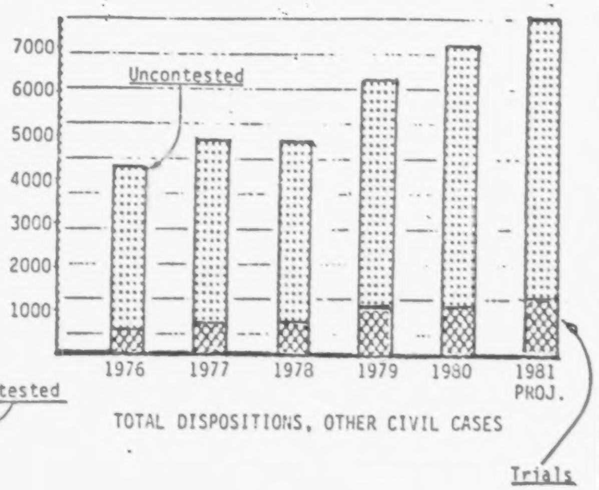
TOTAL JUVENILE PETITIONS



TOTAL DISPOSITIONS, DIVORCE



TOTAL DISPOSITIONS, SMALL CLAIMS



TOTAL DISPOSITIONS, OTHER CIVIL CASES

UNIFIED JUDICIAL SYSTEM
FIVE YEAR REVIEW

The following is a brief review of a few significant activities that have been initiated since the unification of the South Dakota judiciary in 1975. These are presented chronologically by fiscal year. The listing does not include all of the important events or activities that have occurred, but rather it is a summary of highlights to demonstrate the development of the system during its first half-decade.

FY 1975. In this, the year in which the Unified Judicial System was established, a number of activities were initiated to organize the new structure. 37 circuit judges were installed in the nine newly established judicial circuits. During this same year the number of judges was reduced to 36 by a Supreme Court decision eliminating a judgeship in the Eighth Judicial Circuit. Justice Dunn was elected Chief Justice of the five-member Supreme Court. The South Dakota Code of Judicial Conduct was adopted by the Supreme Court to provide professional guidelines for the judiciary.

Statutes were passed in support of the new judicial system. These included laws to revise the UJS budget procedure and appointment process, and the authorization of certain magistrate courts as courts of record.

The presiding judges of the circuits adopted a standard bail bond form, a uniform traffic citation, and a mail in power of attorney form. They also established a fine and bond schedule for statewide use, and approved the development of a court services program.

In addition, several grants were received from federal sources. These assisted in supporting some of the training and equipment needs of the System. Other outside assistance was provided by the National Center for State Courts, which conducted several studies for the Supreme Court. These included surveys of state and county law library needs, filing and record keeping in the Court Administrator's office, and caseflow calendar management in the Seventh Judicial Circuit.

FY 1976. Primary emphasis during this year was on the establishment of court services in the UJS as the agency to deal with juvenile offenders and all probation assignments. The program was incorporated, reaffirmed by the legislature and presiding judges, and was augmented by five additional officers. A court services training program was initiated for the officers, and a procedures sourcebook published to provide research support.

A statewide training session was held for the clerks of court to promote procedural uniformity in the business of the courts. To support this unity of process, standardized forms and files were also developed for use in the clerks' offices.

FY 1977. Small claims procedure and the criminal code were revised. Statutes were also passed to modify the state's five districts for the election of the Supreme Court justices, and the Supreme Court, by order, reduced the number of judicial districts, in which circuit judges are elected, from nine to eight.

Legislation was also passed to permit appointment by the Chief Justice of certain judges when temporary vacancies occur on the appellate bench, to authorize revision of the state's criminal procedure, and to increase civil jurisdiction of magistrate courts.

A new accounting and reporting procedure was implemented throughout the state for clerks of court and lay magistrates, and a study of the county expenditures was conducted. A grant was received to research and produce a benchbook for circuit court judges, and to develop manuals for clerks of court and for lay magistrates.

The presiding judges conducted a review of the Judicial Information System, and a training school study was implemented to determine the percentage of the juvenile population committed. The second magistrate's institute was held in Pierre in December.

FY 1978. The South Dakota Supreme Court adopted Rules of Evidence researched and submitted by a special committee. In other hearings, the Court eliminated all law trained magistrate positions in the Third Judicial Circuit, and added a half time law trained magistrate position in the Second Judicial Circuit.

The State Court Administrator's office conducted a training seminar for court reporters, and a one day training session for circuit court administrative personnel. The SCA office also established a training program for newly appointed clerks and lay magistrates, produced a draft copy of the clerk's manual, and formulated a records retention schedule for circuit court documents.

The SCA's office also received grants to hire a training coordinator and a planner for the court system, and implemented the automated criminal report system.

New laws were passed expanding the courts' right of review over administrative decision, and authorizing court services to take responsibility for the restitution program. The Uniform Child Custody Act was passed.

FY 1979 A misdemeanant probation program was initiated. A study was implemented to track juveniles awaiting entry into the state training school, and a professional development program for court services officers was begun.

The manual for lay magistrates and a benchbook were published by the State Court Administrator's office, and the bailiff's handbook and small claims brochure were completed. The SCA also implemented a grant to organize the Judicial Planning Committee.

Newly elected Chief Justice Roger L. Wollman convened the first joint tribal/state judicial conference in May. A constitutional revision to modify the process of selecting Supreme Court justices was authorized to be placed on the 1980 election ballot.

Legislation was passed to provide for interstate license suspension of offenders who do not comply with traffic citation requirements. Laws were also passed to require judicial review of neglected children placed in foster homes.

FISCAL YEAR 1980
COURT HIGHLIGHTS

The microfilming and records retention study, begun in fiscal 1979, continued by an advisory committee appointed by the Supreme Court. The primary objective of the project is to save money and space by eliminating unnecessary storage while at the same time preserving on microfilm those records and files for which there is a long range need.

After extensive study and analysis, several recommendations were made regarding adoption, trial, fiscal and juvenile records. The Supreme Court held an open meeting in March, 1980, concerning the proposed records retention schedule.

Appellate Procedure Rules revisions became effective. In order to clarify the appellate changes for the clerks of court, the Supreme Court clerk conducted a one day workshop in each of six judicial circuits. In the course of these sessions, guidelines were presented to the clerks of court to provide for the proper filing and handling of appellate documents, exhibits, and fees.

Small Claims Procedure was reviewed by a special committee appointed by the Supreme Court. The committee, which included representatives from all components of the system, researched problems in the small claims process for the purpose of recommending statute changes to the next legislature, and rule changes to the Supreme Court.

Caseload Activity Management System (CAMS) was developed for court services officers. This system provides workload data for administrative use in making decisions for resource allocation in the Court Services Department. It is especially useful in demonstrating budgetary need based on workload statistics.

The Judicial Planning Committee was established by Supreme Court order to study policy needs of the judicial system. Survey questionnaires were distributed to members of interested organizations and employees of the Unified Judicial System throughout the state. Responses to these survey forms were then used to identify specific problem areas. The resulting recommendations were incorporated into a plan, and presented to the Supreme Court for its approval.

Sioux Tribal Concerns were a matter of priority for the Supreme Court. The Chief Justice attended several conferences with members of the Sioux Tribes and their leaders to discuss problems related to the judiciary. Primary concerns involved the implementation of the Indian Child Welfare Act and the Indian Civil Rights Act. The efforts of the Chief Justice were directed toward the establishment of better cooperation between the state judiciary and the tribal courts.

The Clerks' Advisory Committee met with members of the State Court Administrator's staff to review some matters of concern to the clerks of the circuit courts. Content of the meeting included discussions of case reporting, docketing, and accounting.

THE CHALLENGE OF THE EIGHTIES

The prospect of the Unified Judicial System in the decade of the nineteen eighties obviously involves, in the immediate future, the continuation and consolidation of many existing programs. In the broader, long term perspective, however, more theoretical and speculative consideration is required.

Initially, in order to prognosticate with any accuracy the most important aspects of the future of the South Dakota Unified Judicial system, the experience of the past five years must be taken into consideration. Based on the caseload data from that period, the indications for the next few years are that the number of criminal prosecutions will remain stable, while criminal trials will continue to demonstrate a discernable decrease. Non criminal actions, conversely, show a pattern of marked increase. This is particularly noticeable in overall juvenile petitions, contested divorce and civil litigation, and uncontested small claims cases.

This indicates that the workload of circuit judges, who must by statute deal with most non criminal cases, will probably increase. The patterns also show that, statewide, the clerical work of the courts is expanding.

Short term projections initially include the continuation of current programs into the coming years. For example, implementation of the court records retention schedule, microfilming, and evaluation of the Judicial Information System are activities that must comprise part of the short term effort. Other areas likely to receive attention are electronic news coverage in the courtroom, the expansion of training programs, and the development of techniques to increase appellate productivity.

Other projects most likely to be implemented are those related to the recommendations made by the Judicial Planning Committee. These include 1) establishing guidelines for more uniform criminal sentencing, and sentencing alternatives, 2) studying and improving the procedure for the appointment of counsel, 3) the improvement of uniformity and communications among the various components of the system, and 4) a review of fees and fines.

The long range orientation for the courts will probably be based on the primary goals of improved efficiency and economy. The direction of judicial policy for the decade of the eighties will be justifiably concerned with rising costs related to court operation. Budgetary limitations, which can be expected to remain a problem into the foreseeable future, will probably function to restrict any prospective expansion.

In this same context, policy emphasis will be directed toward efficient improvement of services to the public. Innovations in judicial process or structure will still be supported, but with greater emphasis on the need for improved efficacy. The recent increase in jurisdiction limits in small claims cases, for example, should effect a cost saving to the public and in some areas of the judiciary, but will probably increase the demands on the clerks of court.

Improvements in the use of juries is an example of possible cost saving coordinated with improved efficiency. Greater emphasis on the pre-trial hearing to reduce civil litigation is another area amenable to policy modification. This might require more training for bench personnel, but would probably reduce expensive court room time, to the general benefit of the system.

Examples of rules recently implemented toward improved efficiency would include the requirement of the certificate of readiness for civil trial, more flexibility for court dismissal of civil action, and the requirement of a 90-day report by the judges on pending cases. Improved use of automated equipment in judicial processes will be another specific goal in the development of greater efficiency in the courts.

The direction of policy decisions during the eighties, then, will be partly toward the consolidation of the achievements of the past five years. In addition, however, there will be a strong emphasis on the analysis of the existing structures and processes to determine cost effective improvement. This should ultimately result in a state judiciary more responsible and more responsive to all segments of the population of South Dakota.

S7395-1

BENCHMARK

ANNUAL REPORT OF THE SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM

FISCAL YEAR 1981

(July 1980 through June 1981)

Compiled and published by
SOUTH DAKOTA
STATE COURT ADMINISTRATOR'S OFFICE
PIERRE, SOUTH DAKOTA

JANUARY, 1982

South Dakota Unified Judicial System

MARK G. GEDDES
Administrator

STATE COURT ADMINISTRATOR'S OFFICE
STATE CAPITOL
PIERRE, SD 57501
(605) 773-3474

The Honorable Chief Justice and the
Associate Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

I respectfully transmit herewith our fiscal year 1981 Benchmark, the annual report of the Unified Judicial System. In addition to the functional descriptions of component offices, and statistical information, the publication this year includes a special appendix on court services alternative care placement, and related costs, by judicial circuit.

We acknowledge our appreciation to the clerks of court and court services officers throughout the state, who submitted most of the data contained herein, and the staff personnel who cooperated in the compilation and publication of the report.

Respectfully submitted,

Mark G. Geddes

Mark G. Geddes
State Court Administrator

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SOUTH DAKOTA COURTS, JUDGES AND JURISDICTIONS

SUPREME COURT

Five justices appointed (according to Constitutional amendment passed in 1980) and subject to electorate approval every eight years. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, exercised primarily through Chief Justice.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

CIRCUIT COURTS

Eight circuits served by thirty-six judges, who are elected at-large from within their respective circuits for an eight-year term.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

MAGISTRATE COURTS

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. The magistrate function is performed by most clerks of court. Training program provided by the State Court Administrator's Office.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, accept guilty pleas, conduct trials for petty offenses and uncontested civil cases involving damages of $2000 or less.

Law-Trained Magistrate:

Licensed attorney appointed by presiding judge for a four-year term.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000 or less, and small claims actions.

THE COURT STRUCTURE

As illustrated by the chart on the previous page, the Unified Judicial System of South Dakota has a two-tiered court structure. The first level is the State Supreme Court. The second level, the circuit courts, are the courts of original jurisdiction. They are assisted by a separate division, the magistrate courts, which have limited concurrent jurisdiction in certain types of cases. By disposing of less serious actions, the magistrates assist the circuit courts in managing the caseload. With the exception of small claims cases, decisions of the magistrate courts may be appealed to the circuit court. The Supreme Court is the court of last resort to which decisions of the circuit courts may be appealed.

SUPREME COURT

The South Dakota Supreme Court, the state's highest appellate court, is comprised of the chief justice and four associate justices. All must be licensed to practice law in the state. There is no formal age requirement, but the mandatory retirement age is seventy. The retired justice, if he agrees, may be called back into judiciary service in any of the state's courts.

The original jurisdiction of the Supreme Court extends to cases "in which the interest of the state" is "direct and proximate, affecting the state at large." The jurisdiction also includes power to issue original and remedial writs for situations in which the "interests of the state are in some way directly involved."

The term of court for the Supreme Court coincides with the full calendar year. The sessions are held in the state capitol or in such cities as the Supreme Court may specify by court order.

The present members of the Court were elected, one from each of five districts in the state, for a term of eight years. The drawing on page 3 illustrates the boundaries of the five Supreme Court electoral districts. The terms are alternated in order to maintain continuity. In districts four and five, justices were elected for eight-year terms beginning in 1976; in districts one, two and three, the eight-year term began in 1978. In the future, Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court will be filled by Governor's appointment from a list of attorneys nominated by the Judicial Qualifications Commission. All justices will stand for retention election, unopposed. For newly appointed justices, the retention election will be held at the next general election following the third year after appointment; for incumbent justices, at the end of their existing term, and for all, thereafter, "every eighth year."

The Supreme Court, in its role as the state's highest judicial body, performs several valuable functions for the government and people of the state. The justices serve primarily as a court of appellate jurisdiction, having power to hear appeals from decisions of the circuit courts. They also have a limited power to render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.

The appellate function, which constitutes the bulk of the Court's workload, is one method by which adherence to accepted principles of justice is maintained in the court processes of the state. It is, however, only one of the ways in which the Supreme Court serves the public.

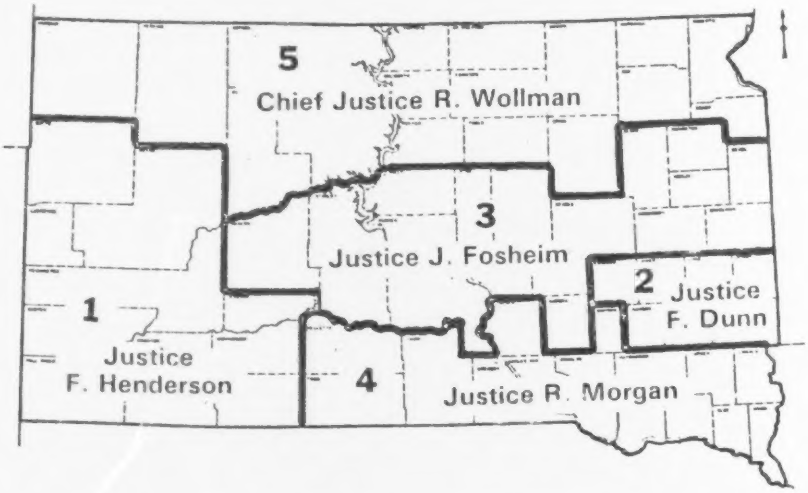
In addition to the exercise of its control over lower court decisions, the Court performs a number of other duties. For example, The Court supervises the licensing and disbarment of attorneys, and establishes professional standards of ethical conduct of attorneys and judges in the state. This requires that the justices provide appropriate guidelines and hold disciplinary hearings to maintain professionalism in the conduct of the legal and judicial community.

The rule-making power of the Supreme Court includes control of lower court practice and procedure, terms of court, the number of circuit court judges, boundaries of circuits, and general administrative supervision of the Unified Judicial System. In this administrative function, the Court promulgates rules for the operation of the judicial system.

Beyond these functions, the Court has responsibility for the appointment of personnel to specific permanent positions in the judicial system, the authorization of committees within the judicial branch, and approval of membership of those committees. The Court also establishes rules for effective administrative policy in the system, such as regulations on travel by members of the judicial branch, and other personnel matters. A few of the Supreme Court's activities for fiscal year 1981 are listed in the review material on page 21.

With the assistance of the Judicial Qualifications Commission, the Court exercises disciplinary control over judges and justices. In addition, the Court may appoint, at its pleasure, such personnel as required to serve the needs of the state judiciary. The Court's administrative responsibility is exercised through the power of the Chief Justice (SDCL 16-2-20), which provides extensive authority to take any necessary action to ensure the efficiency of the judiciary process. He is assisted in this function by the State Court Administrator's Office.

Statistical data for Supreme Court activity is presented on page 11.



SUPREME COURT ELECTORAL DISTRICTS

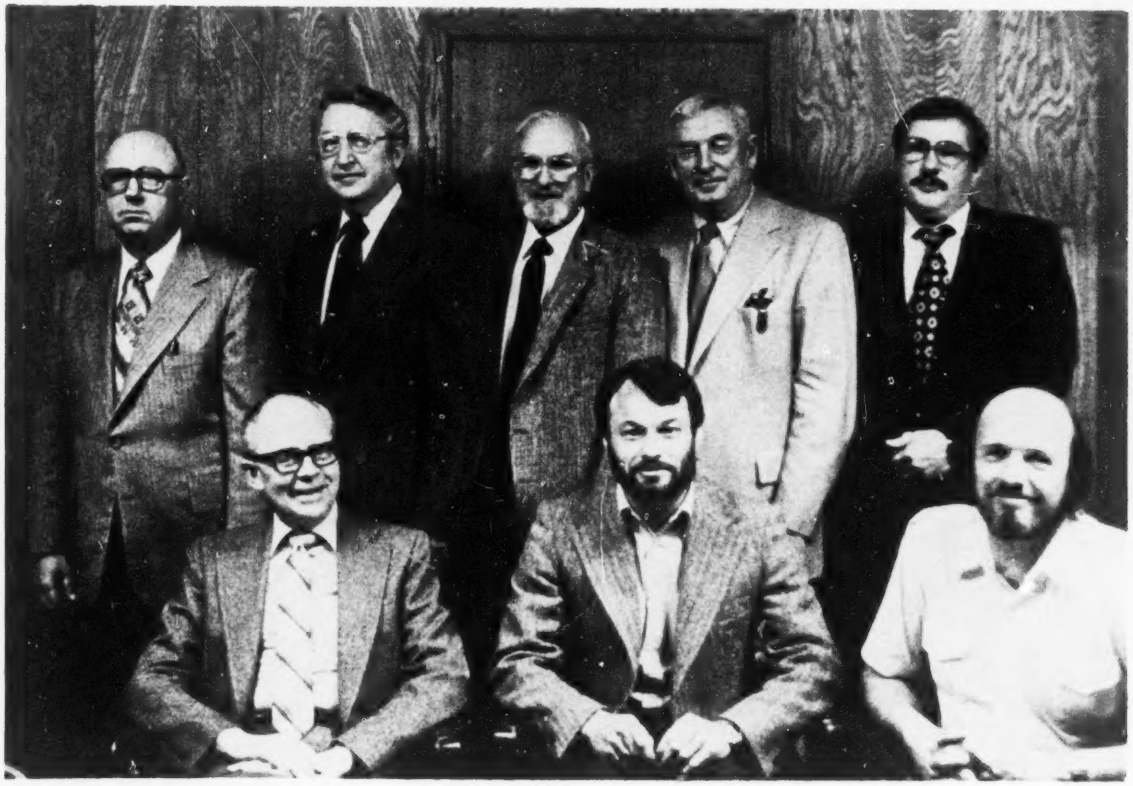
Associate Justice Francis G. Dunn
and Law Clerk Karen Schreier

Associate Justice Robert E. Morgan
and Law Clerk Lonnie Bryan

Chief Justice Roger L. Wollman
and Law Clerk Mary Kelley

Associate Justice Frank E. Henderson
and Law Clerk Dan Johnson

Associate Justice Jon Fosheim
and Law Clerk Nora Kelley



PRESIDING JUDGES OF THE UNIFIED JUDICIAL SYSTEM

STANDING FROM LEFT: JUDGE GEORGE WUEST, FOURTH CIRCUIT; JUDGE ERNEST HERTZ, FIRST CIRCUIT; JUDGE PHILO HALL, FIFTH CIRCUIT; JUDGE LESLIE HERSRUD, EIGHTH CIRCUIT; JUDGE ROBERT MILLER, SIXTH CIRCUIT

SEATED FROM LEFT: JUDGE WAYNE CHRISTENSEN, SECOND CIRCUIT; JUDGE IRVIN HOYT, THIRD CIRCUIT; JUDGE MARSHALL YOUNG, SEVENTH CIRCUIT

FISCAL YEAR 1981

BENCH PERSONNEL BY JUDICIAL CIRCUIT

FIRST JUDICIAL CIRCUIT, Judges:
*Hertz, Ernest W.
Kern, Paul J.
Ulrich, Robert C.
Tapken, Jay H. 1-1-81

Law-Trained Magistrates:
**Cody, Mary Dell
Connelly, Riley (Term.)
Jacobson, Edward A.
Marmet, Robert G. 12-17-80

SECOND JUDICIAL CIRCUIT, Judges:
*Christensen, Wayne W.
Heege, Robert C.
Heuermann, William H.
Hurd, Richard D.
Patterson, Robert J.

Law-Trained Magistrates:
**Lieberman, Peter
**Matheson, William

THIRD JUDICIAL CIRCUIT, Judges:
Bradshaw, Dale
Evans, Vernon C.
Martin, Eugene
*Hoyt, Irvin N.
Mydland, Gordon J.
Ries, Thomas G.

Law-Trained Magistrates:
Aho, Ronald 6-22-81

FOURTH JUDICIAL CIRCUIT, Judges:
Anderst, Thomas L.
Gerken, Marshall
McMurchie, Boyd L.
*Wuest, George W.

Law-Trained Magistrates:
Jones, Rolland
Unke, Michael

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
Dobberpuhl, Eugene E.
*Hall, Philo
Ramynke, Mildred D.

Law-Trained Magistrates:
Bowen, William A. (Term.)
**Lovrien, Larry
Moeckly, Kent A. (Term.)
O'Keefe, Robert G.
Rice, George (Term.)
Glynn,Richard 3-23-81

SIXTH JUDICIAL CIRCUIT, Judges:
Heck, Donald L.
Jones, John B.
McKeever, Patrick J.
*Miller, Robert A.
Talbott, Marvin S.

Law-Trained Magistrate:
**Anderson, James W.

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff
Grosshans, Roland
Parker, F. Thomas
Tice, Merton B., Jr.
*Young, Marshall

Law-Trained Magistrates:
**Carrell, Charles G.
Klauck, Jack

EIGHTH JUDICIAL CIRCUIT, Judges:
Brandenburg, Roy E.
*Hersrud, Leslie R.
Moses, Scott C.

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Shevlin, Glenn W. (Term.)
Mueller, Walter 4-6-81

* Indicates presiding judge
** Indicates full-time magistrate

THE CIRCUIT COURTS

The circuit courts are the trial courts of general jurisdiction. The circuit court judges, who are required to be licensed to practice law in the state, have original jurisdiction in all cases and proceedings, and they may hear appeals from the decisions of the magistrate courts. The circuit court judges are elected at large from within their respective circuits for a term of eight years. The thirty-six judges and the law-trained magistrates from the eight circuits, in office at the end of fiscal year 1981, are listed on page 4. A map showing circuit boundaries is presented on page 10.

Direct supervisory control over the circuit court process and personnel is exercised by the presiding judge of the circuit, who is appointed to this special administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The extensive authority of the presiding judge includes the following:

1) Arranging schedules and assigning circuit judges for sessions of circuit court, and supervising the calendar for trials or hearings.
2) Appointing clerks, deputies and other personnel within the circuit, and establishing their rate of compensation.
3) Arranging for the proper drawing of jury panels and for the reporting of cases.
4) Periodically reviewing and evaluating personnel in the circuit.
5) Arranging for the availability of circuit judges in each county according to statute (SDCL 16-2-21).

In addition to the concurrent civil and criminal jurisdiction over minor court actions shared with the courts of limited jurisdiction discussed below, circuit court jurisdiction includes trial and disposition of all felony cases. The exclusive original civil jurisdiction of circuit courts includes cases involving 1) dispute of title or boundary of real property, 2) divorce or annulment of marriage, 3) probate, guardianship, and settlement of estates of the deceased, 4) juvenile proceedings, and 5) civil disputes involving amounts exceeding $2,000.00. As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts.

MAGISTRATE COURTS

Magistrate courts in South Dakota are created by statute (SDCL 16-12A-2) to assist the circuit courts in handling the misdemeanor cases and minor civil actions. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state and is appointed by the presiding judge to a four-year term upon approval by the Supreme Court.

In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the court may conduct trials of charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and small claims actions.

The lay magistrate may accept guilty pleas and impose fines in minor criminal cases, set bond in criminal cases and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a judge). The lay magistrate's court also has the power to perform marriages, administer oaths and take depositions, issue warrants for arrest or search, and conduct trials in uncontested small claims and other civil disputes involving damages in amounts of $2000 or less. There are 132 lay magistrates in the state, of whom 115 are also clerks of circuit court.

PRESIDING JUDGES MEETING

Through the periodic meetings of the presiding judges, judicial circuit personnel are afforded direct communications into administrative policy and procedural decisions of the Unified Judicial System. These meetings usually include the eight presiding judges in conference with the Chief Justice and the State Court Administrator. The agenda encompasses a wide range of subjects involving policy, problems, and current issues relating to the operation of the courts.

Through these meetings, the presiding judges coordinate their administrative activities and keep themselves aware of the latest developments in the court system, promoting administrative efficiency among themselves and the judges and staff in their respective circuits. These conferences also afford the executive and legislative branches of state government an opportunity to meet with the judicial personnel responsible for the implementation of operations at the trial level, in order to discuss issues of mutual concern.

JUDICIAL CONFERENCE

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, specified by statute (SDCL 16-14) and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices, and procedures of the judicial system and make recommendations to the Supreme Court for appropriate change.

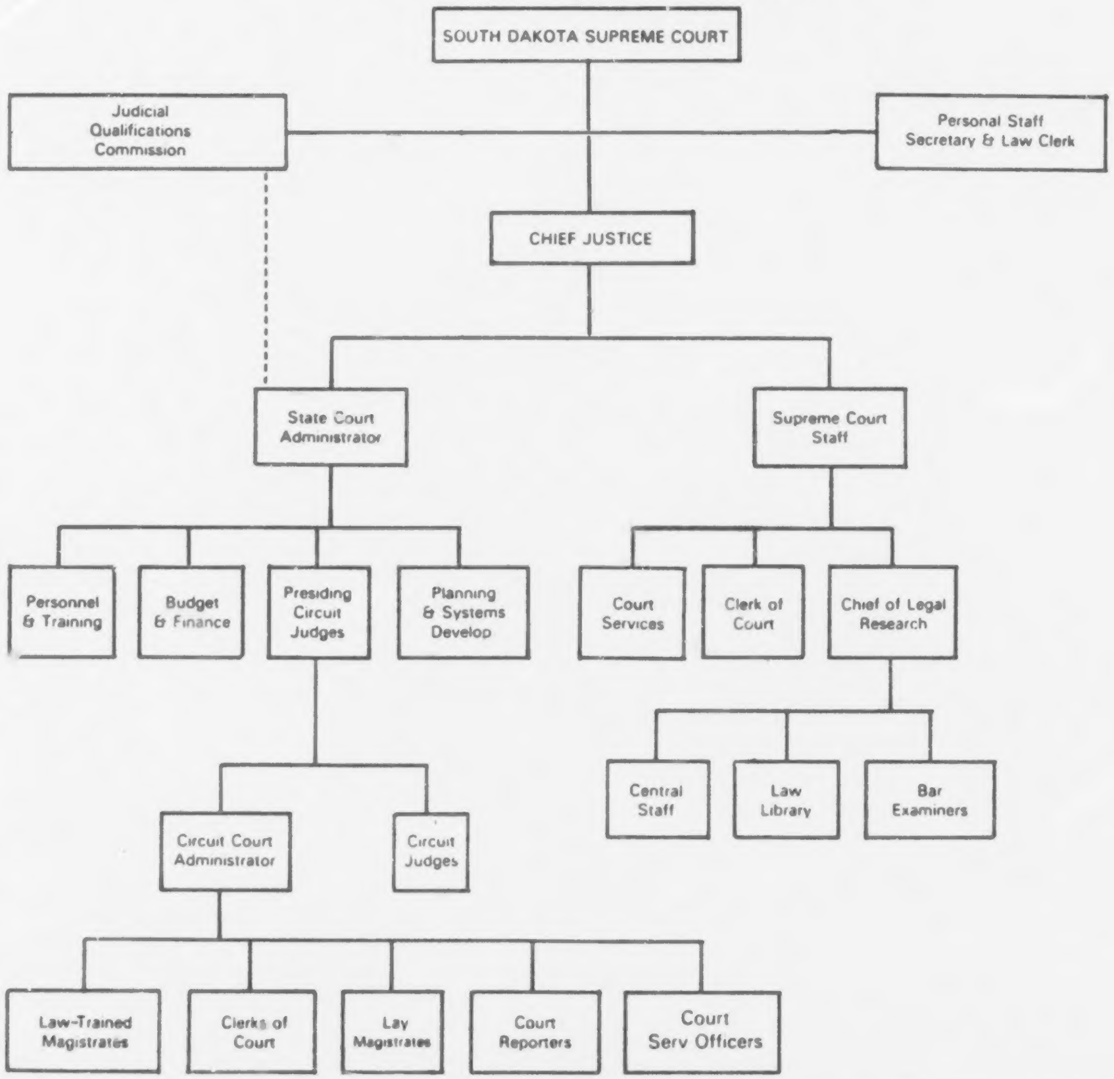
JUDICIAL QUALIFICATIONS COMMISSION

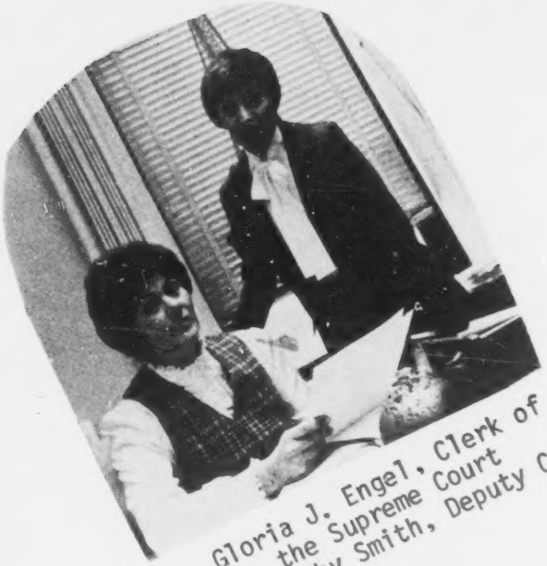
This commission, created by Article V, section 9 of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. Each member is limited to one imbricated four-year term.

One significant function of the Judicial Qualifications Commission is that of assisting the Supreme Court in disciplinary actions against members of the judiciary. It is empowered to receive complaints regarding any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of a justice or judge. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article.

By Constitutional amendment passed in 1980, the Commission also reviews applicants for vacancies on the Supreme Court and circuit court bench and nominates two or more of the most qualified to the Governor, who in turn appoints a person to fill the vacancy.

UNIFIED JUDICIAL SYSTEM
Table of Administrative Organization


SOUTH DAKOTA SUPREME COURT
Judicial Qualifications Commission
Personal Staff Secretary & Law Clerk
CHIEF JUSTICE
State Court Administrator
Supreme Court Staff
Personnel & Training
Budget & Finance
Presiding Circuit Judges
Planning & Systems Develop
Court Services
Clerk of Court
Chief of Legal Research
Central Staff
Law Library
Bar Examiners
Circuit Court Administrator
Circuit Judges
Law-Trained Magistrates
Clerks of Court
Lay Magistrates
Court Reporters
Court Serv Officers



Gloria J. Engel, Clerk of the Supreme Court and Dorothy Smith, Deputy Clerk

Thomas A. Lloyd
Staff Attorney

Cindy Droz
Secretary

Virginia Biddle
Assistant Librarian
Supreme Court

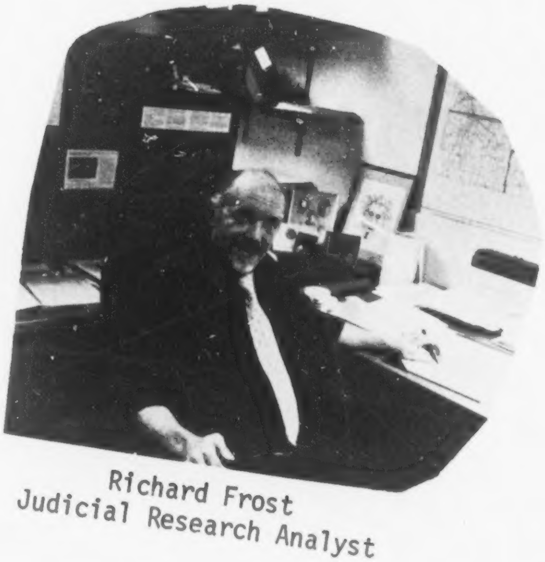
Corretta Blow, Eileen Papendick, and Mary Kebach, legal secretaries to the Associate Justices

Yolanda Cholik
Executive Secretary to the Chief Justice

Mark G. Geddes
State Court Administrator

Dan C. Schenk
Personnel and Training Officer

Linda Hausvik, Personnel Clerk, and
Margaret Withers, Executive Secretary



Richard Frost
Judicial Research Analyst

Judicial Staff — State

Law Clerk

Recent law school graduates of high academic standing are selected for one-year appointments as law clerks to assist the Supreme Court justices in the extensive writing and research duties required in the preparation of their formal opinions. Each justice is assigned one law clerk.

Clerk of the Supreme Court

The Clerk assists the Chief Justice in the functions of the Court by monitoring the progress of all appeals and original proceedings, scheduling oral arguments before the Court, recording Court decisions, orders and directives, and controlling their release and distribution. This office is also responsible for the management of all records of the Court, the compilation of appellate statistics, and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed to this position performs several vital functions for the Court:

1) As executive secretary of the bar examiners, assists the examiners in developing, administering, and correcting the examinations given to persons seeking admission to the bar.
2) As Supreme Court law librarian, is responsible for supervising and maintaining the Supreme Court law library of some 40,000 volumes.
3) Coordinates staff attorney's efforts to prescreen appeals and draft internal working memoranda, per curiam opinions, and orders for review by the Court. In addition, the staff attorney screens the cases brought on appeal and makes recommendations to the Supreme Court regarding disposition.

State Court Administrator's Office

Directly responsible to the Chief Justice, this office provides administrative direction and management support services to the Unified Judicial System. In addition to management, research, and analysis functions, there are three major sub divisions of the office, each operating within its own sphere of administrative activity.

The personnel and training division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees.

The budget and finance office is responsible for the development and administration of the annual budget, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory.

The division of planning and systems development is responsible for the operation and maintenance of the judicial management information system, the analysis of caseload and disposition data, and the preparation of research reports.

Director of Court Services

This office is responsible to the Chief Justice for the development and coordination of all statewide activities directly related to the program of court services officers.

Judicial Staff — Circuits

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the administration of the circuit. This includes budget, personnel, accounting, special projects and statistical reporting. At the present time, the Second and Seventh Judicial Circuits are staffed with full-time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, and perform record-keeping and filing functions for the courts. They also assist and inform the public on matters involving the schedule of the court and proper procedures, and maintain the appropriate court records for the judicial reporting system. In addition, the clerk of court functions as the lay magistrate in most counties.

Court Services Officer

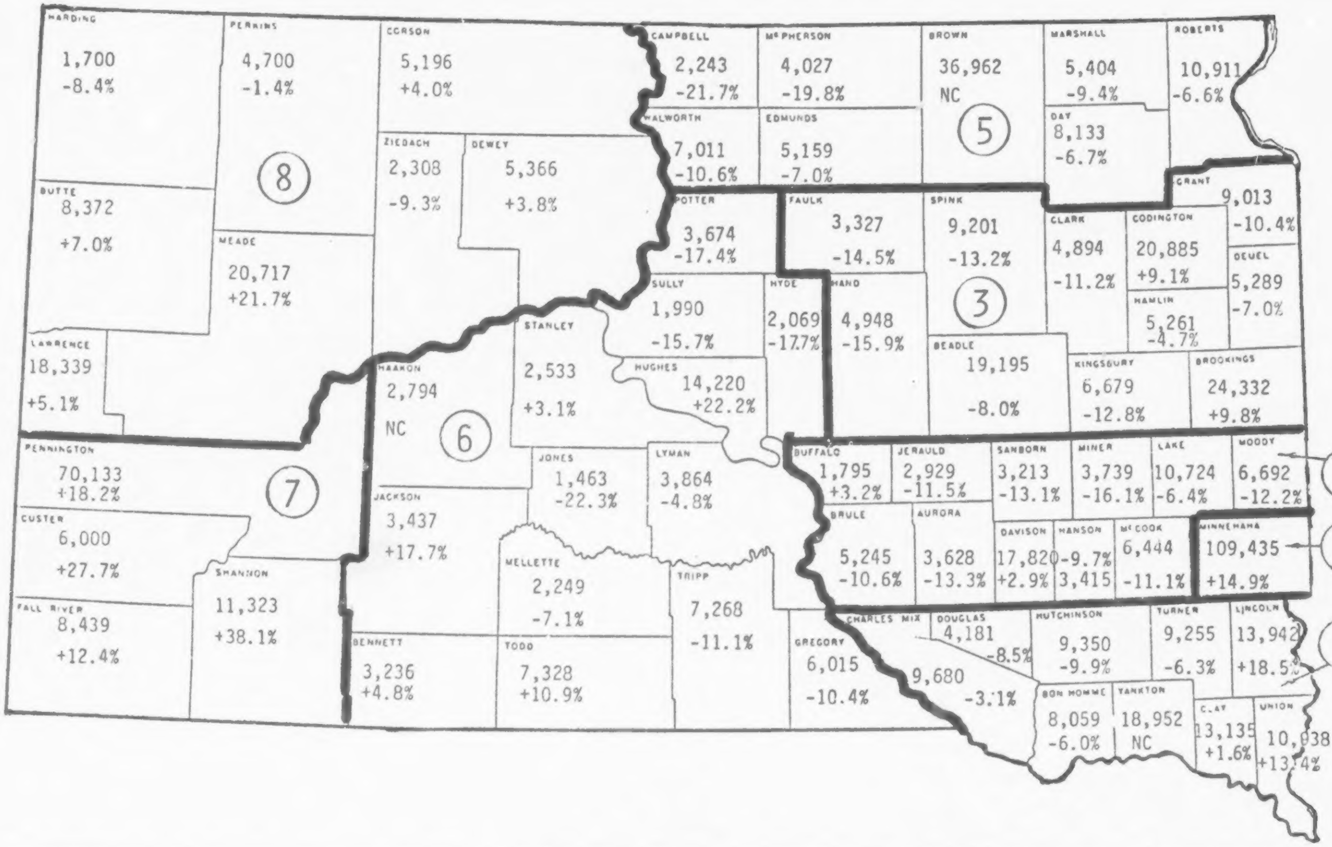
The primary duties of the court services officers include 1) conducting presentence and juvenile prehearing investigations, 2) Generating the appropriate reports and recommendations resulting from those investigations, 3) providing juvenile diversion, probation, and family treatment services, 4) coordinating and receiving restitution payments, 5) supervising probation assignments as ordered by the courts, and 6) providing juvenile offenders with foster care and residential group care services.

In each of the judicial circuits, the presiding judge appoints a chief court services officer who is made responsible for the administration of court services programs. The chief court services officers meet with the Director of Court Services on a quarterly basis. The primary purpose of these meetings is to review the status of programs in order to identify problems in the delivery of service and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most law-trained magistrates are assigned a full-time court reporter, whose duty it is to keep detailed records of those courtroom activities which require verbatim transcripts, to make those transcripts available, and to assist the court in any related needs. The court reporter is also required to provide secretarial services for the judge.

JUDICIAL CIRCUITS AND POPULATION CHANGE FROM 1970 TO 1980


HARDING 1,700 -8.4%
PERKINS 4,700 -1.4%
CORSON 5,196 +4.0%
CAMPBELL 2,243 -21.7%
McPHERSON 4,027 -19.8%
BROWN 36,962 NC
MARSHALL 5,404 -9.4%
ROBERTS 10,911 -6.6%
WALWORTH 7,011 -10.6%
EDMUNDS 5,159 -7.0%
DAY 8,133 -6.7%
ZIEBACH 2,308 -9.3%
DEWEY 5,366 +3.8%
BUTTE 8,372 +7.0%
MEADE 20,717 +21.7%
POTTER 3,674 -17.4%
FAULK 3,327 -14.5%
SPINK 9,201 -13.2%
CLARK 4,894 -11.2%
CODINGTON 20,885 +9.1%
GRANT 9,013 -10.4%
DEUEL 5,289 -7.0%
HAMLIN 5,261 -4.7%
SULLY 1,990 -15.7%
HYDE 2,069 -17.7%
HAND 4,948 -15.9%
STANLEY 2,533 +3.1%
HUGHES 14,220 +22.2%
BEADLE 19,195 -8.0%
KINGSBURY 6,679 -12.8%
BROOKINGS 24,332 +9.8%
LAWRENCE 18,339 +5.1%
HAAKON 2,794 NC
PENNINGTON 70,133 +18.2%
JONES 1,463 -22.3%
LYMAN 3,864 -4.8%
BUFFALO 1,795 +3.2%
JERAULD 2,929 -11.5%
SANBORN 3,213 -13.1%
MINER 3,739 -16.1%
LAKE 10,724 -6.4%
MOODY 6,692 -12.2%
CUSTER 6,000 +27.7%
JACKSON 3,437 +17.7%
BRULE 5,245 -10.6%
AURORA 3,628 -13.3%
DAVISON 17,820 +2.9%
HANSON -9.7% 3,415
McCOOK 6,444 -11.1%
MINNEHAHA 109,435 +14.9%
SHANNON 11,323 +38.1%
MELLETTE 2,249 -7.1%
TRIPP 7,268 -11.1%
FALL RIVER 8,439 +12.4%
BENNETT 3,236 +4.8%
TODO 7,328 +10.9%
GREGORY 6,015 -10.4%
CHARLES MIX 9,680 -3.1%
DOUGLAS 4,181 -8.5%
HUTCHINSON 9,350 -9.9%
TURNER 9,255 -6.3%
LINCOLN 13,942 +18.5%
BON HOMME 8,059 -6.0%
YANKTON 18,952 NC
CLAY 13,135 +1.6%
UNION 10,938 +13.4%
1
2
3
4
5
6
7
8

POPULATION CHANGE

The state map shows the boundary lines for the Eight Judicial Circuits. Within each county is noted the 1980 population in thousands, along with the percentage of increase or decrease from 1970 to 1980. A minus sign preceding the percentage number indicates a decrease.

JUDICIAL CIRCUIT	POPULATION		SQUARE MILES	JUDICIAL CIRCUIT	POPULATION		SQUARE MILES
	1970	1980			1970	1980	
First	96.7	97.5	5,471	Fifth	84.6	79.9	8,411
Second	95.2	109.5	813	Sixth	62.1	62.1	17,731
Third	115.9	113.0	10,292	Seventh	79.8	95.9	8,179
Fourth	70.7	65.6	6,203	Eighth	61.3	66.7	18,859
				Totals	666.2	690.2	75,959

COMPARISON OF SUPREME COURT DATA

	FY 1980	FY 1981
FILINGS	359	326
Appeals	273	261
Intermediate Appeals	28	27
Original Proceedings	20	22
Miscellaneous Filings	20	16
DISPOSITIONS	346	361
Opinions/Cases	173/202	238/269
Orders of Dismissal/Cases	93/95	50/54
Orders of Denial	31	34
Miscellaneous	18	4
PENDING CASES	289	261
Submitted and Pending	118	88
Ready for Submission	57	66
Not Ready for Calendar	114	107

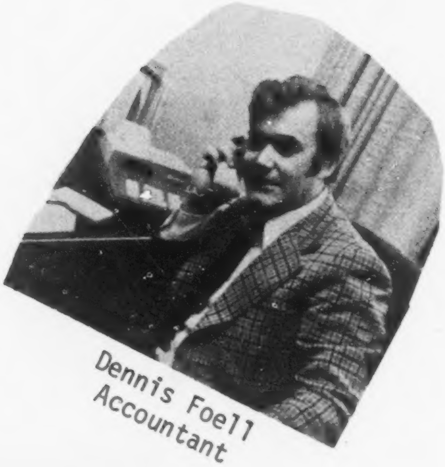
SUPREME COURT STATISTICS

The primary function of the Supreme Court is the concise analysis of legal issues in creating formal opinions. These published decisions promote a consistent and coherent structure of judicial interpretation for the state. In this function, the five Supreme Court Justices are the collegial supervisors of the administration of justice in South Dakota.

In each of the opinions rendered, the justices participate and contribute their own independent expertise. This places a considerable workload on each justice and his law clerk in the research and analysis of issues and precedent toward the effective preparation of each opinion.

In the table above, total appellate filings for 1981 show a decrease of about 4% from the previous fiscal year, while total dispositions have increased by 4%. Dispositions also show a substantial increase (38%) in opinions rendered, and a correllative reduction in dismissal orders. This, along with the 25% decrease in cases submitted and pending, is indicative of a very productive year for the High Court.

Ken Olander and Tony Deters,
Supply and Inventory Coordinator
and Accountant

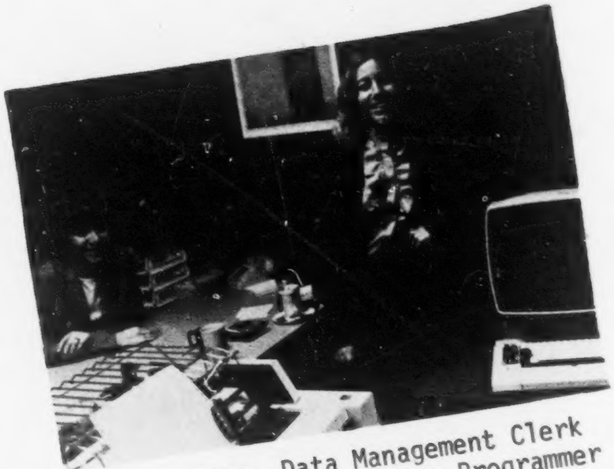


Dennis Foell
Accountant

John C. Ellenbecker
Budget and Finance Officer

Linda Roseland and Debbie Bryant,
Account Clerk and Senior Account Clerk

Darlene Ramse
Account Clerk



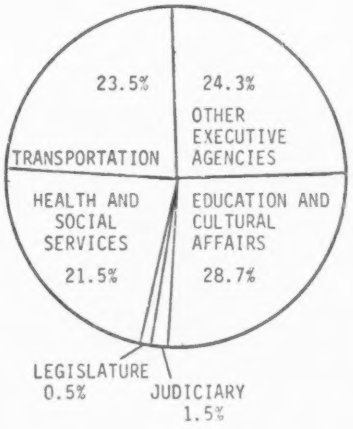
Mary Parker, Data Management Clerk
and Jeanne Olson, Computer Programmer

Pam Templeton
Data Administrator

Jay M. Newberger
Director of Court Services

Cheryl Nincehelser, Court Services
Secretary, and Renee Osterkamp,
Placement Coordinator

FISCAL YEAR 1981: FINANCING THE COURTS



STATE BUDGET ALLOCATION

AGENCY		AMOUNT IN MILLIONS	PERCENT OF TOTAL
EXECUTIVE:			
Transportation		$153.7	23.5
Education and Cultural Affairs		187.8	28.7
Health and Social Services		140.6	21.5
Other Executive Agencies:			
Charities and Corrections	$36.4		
Labor	24.3		
Executive Management	32.1		
Game, Fish and Parks	16.1		
Public Safety	15.9		
Other	33.8		
Total, Other Executive Agencies		158.6	24.3
LEGISLATIVE		3.5	0.5
JUDICIARY		10.0	1.5
TOTAL		654.2	100.0

APPROPRIATIONS

The Unified Judicial System is funded from state appropriations and federal grants received by the State Court Administrator's Office. The circular chart depicts the largest categories of budget allocation for fiscal year 1981.

The legislature requires the counties to reimburse the state's general fund 25% of the total expenditure for the operation of the Unified Judicial System for the previous fiscal year. In September each year, the State Court Administrator's Office certifies to each county its share of this reimbursement, pro rated on the basis of the county's population. Statute also provides for a remission to the state general fund of 35% of all fines, penalties, and forfeitures collected by the circuit courts for violations of county and municipal ordinances and bylaws.

In addition to these reimbursements, the counties and municipalities pay witness fees, and jury fees, and, for indigent defendants, the cost of appointed counsel and transcripts. They also provide the facilities for all judicial employees located within the county or municipality. Many counties maintain a county law library, which is partially funded from a law library fee collected on each civil filing in the circuit court.

CASH RECEIPTS	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTAL
CITY FINES	$ 123,518	$ 486,250	$ 141,439	$ 73,633	$ 116,062	$ 61,654	$ 257,184	$ 105,336	$ 1,365,076
CITY COSTS RECOVERED		673	781	10	463	44	10	280	2,261
CITY FORFEITURES	232	3,605	6,249	2,111	856	27	384	275	13,739
STATE FINES	466,094	411,272	530,083	421,384	313,833	321,586	456,305	333,057	3,253,614
STATE COSTS RECOVERED	6,510	52,089	6,819	19,678	8,308	15,569	21,079	18,345	148,397
STATE FORFEITURES	2,777	5,500	4,505	2,055	5,914	3,960	4,661	4,775	34,147
CASH FEES	69,708	84,942	83,845	46,218	60,835	49,441	66,505	45,110	506,604
LAW LIBRARY FEE	8,023	12,105	10,552	5,825	7,845	6,224	9,463	5,849	65,886
POSTAGE (SMALL CLAIMS)	3,668	3,615	5,729	2,320	3,763	3,477	4,289	2,240	29,101
LAW OFFICER TRAINING FEE	35,656	58,398	42,246	31,314	25,799	24,972	46,286	23,657	288,328
COURT APPOINTED ATTORNEY FEE	5,718	21,816	12,686	10,187	5,087	8,578	2,796	15,003	81,871
PETTY OFFENSES FINES				38	1,278	74	1,082	65	2,537
RESTITUTION	84,337	120,481	76,244	136,647	60,149	38,114	73,904	25,029	614,905
POSTED BONDS	109,160	93,254	65,078	108,725	144,417	93,870	122,772	120,592	857,868
OTHER	31,430	346	91,601	18,341	2,698	4,978	23,793	1,244	174,431
CHILD SUPPORT COLLECTED	275,646	717,740	1,230,396	461,680	620,489	578,578	1,085,100	385,219	5,354,848
TRUST FUND	46,501	84,960	82,861	32,308	7,836	60,036	71,514	36,629	422,645
TOTAL RECEIPTS	$1,268,978	$2,157,046	$2,391,114	$1,372,474	$1,385,632	$1,271,182	$2,247,127	$1,122,705	$13,216,258
CASH DISBURSED									
REMITTED TO CITIES	$ 123,750	$ 490,527	$ 148,469	$ 75,709	$ 117,531	$ 61,758	$ 257,250	$ 105,892	$ 1,380,886
REMITTED TO COUNTIES	595,309	645,870	690,716	536,494	428,870	430,673	613,185	445,801	4,386,918
RESTITUTION	84,162	120,193	77,775	136,491	60,925	37,873	81,596	26,151	625,166
SMALL CLAIMS POSTAGE	3,671	3,615	5,561	2,321	3,481	3,466	4,289	2,238	28,642
POSTED BOND REFUND	101,716	95,818	63,749	111,513	150,727	91,946	117,902	97,173	830,544
MISCELLANEOUS REFUND	477	252	345	1,165	889	937	424	127	4,616
OTHER	30,161	346	91,460	17,492	2,005	8,459	18,360	1,127	169,410
CHILD SUPPORT FORWARDED	275,646	717,740	1,230,396	461,680	620,489	578,578	1,085,100	385,219	5,354,848
TRUST FUND	52,521	92,459	151,827	37,864	9,075	112,587	87,174	35,142	578,649
REMITTED TO STATE			76			30			106
TOTAL DISBURSED	$1,267,413	$2,166,820	$2,460,374	$1,380,729	$1,393,992	$1,326,307	$2,265,280	$1,098,870	$13,359,787

FISCAL YEAR 1981 CLERK OF COURT RECEIPTS AND DISBURSEMENTS

DEFINITIONS FOR RECEIPTS AND DISBURSEMENTS

City Fines: Collected for violations of city ordinances. A percentage of these is remitted to the state general fund for reimbursement of the court system. The remainder stays with the municipality.

City Costs Recovered: Received for costs incurred by a city in processing cases. The money is retained by the city.

City Forfeitures: Bond forfeitures retained for violation of city ordinance. A percentage goes to the state general fund and the remainder goes to the city.

State Fines: Collected for violation of state law. The money is sent to the Department of School and Public Lands to be pro-rated and returned to the school district in the county from which it was received.

State Costs Recovered: Returned to the county for services, such as performing blood tests on DWI offenders.

State Forfeitures: Bond forfeitures retained for violations of state laws. This money, formerly remitted to the state general fund, is now returned to the county.

Cash Fees: Collected for filings, such as small claims actions, and retained by the county.

Law Library Fee: Collected with civil case filing fees, to support the county law library.

Law Officer Training Fee: Added to fines for certain criminal offenses, to support training of law enforcement personnel.

Court-Appointed Attorney Fee: Occasionally paid by indigent defendants after trial, cost of court appointed counsel is reimbursed to county general fund, usually as a condition of probation.

Restitution: Amount paid by defendant to reimburse injured party. No part is retained by court.

Child Support Payments: This money is received by the clerk of court for payment to the recipient specified by the court. No part is retained by the court.

Trust Fund and Posted Bond: Funds held in trust pending court action. The money is either returned to the proper party, or, particularly in the case of bonds, forfeited according to court assessment. The forfeitures are defined above.

Other: Miscellaneous monies received by the court system other than those listed above.

	CIRCUIT JUDGE	LAW TRAINED MAGIS.	LAY MAGISTRATE	COURT REPORTER	LAW CLERK	COURT ADMINISTRATOR	COURT SERVICES OFFICER	SECRETARY	CLERK OF COURT	DEPUTY CLERK	BAILIFF	TOTAL
1ST CIRCUIT	4.0	2.0	.7	4.0			7.0	3.0	9.0	12.1	.5	42.3
2ND CIRCUIT	5.0	2.0	.7	7.0	2.0	1.0	12.0	6.0	2.0	19.0	4.4	61.1
3RD CIRCUIT	6.0	.5		6.0			8.0	4.0	11.0	15.6	.5	51.6
4TH CIRCUIT	4.0	1.0	.3	4.0			6.0	3.0	10.4	8.2	.7	37.6
5TH CIRCUIT	4.0	2.1		5.0	1.0		6.0	3.2	7.6	11.3	.6	40.8
6TH CIRCUIT	5.0	1.0	2.1	5.0	1.0		5.5	2.5	12.1	7.9	.7	42.8
7TH CIRCUIT	5.0	1.6	1.5	6.0	1.0	1.0	9.0	4.8	4.0	18.5	1.7	54.1
8TH CIRCUIT	3.0	2.0	.8	4.0			4.0	2.0	6.5	6.1	1.3	29.7
TOTAL	36.0	12.20	6.10	41.0	5.0	2.0	57.5	28.5	62.6	98.7	10.4	360.0

STAFFING ALLOCATIONS
BY JUDICIAL CIRCUIT
FISCAL YEAR 1981

Staffing in the judicial circuits during fiscal year 1981 has been reduced to 360.0 from 364.2 FTE in fiscal year 1980.

FISCAL YEAR 1981 CRIMINAL CASELOAD STATISTICS

	MISDEMEANOR 2					MISDEMEANOR 1						FELONY					
	PETTY OFFENSE FILINGS	FILINGS	GUILTY PLEA	DIS-MIS-SALS	TRIAL	FILINGS	PRELIM. HEARING	GUILTY PLEA	DIS-MIS-SALS	TRIAL		FILINGS	PRELIM. HEARING	GUILTY PLEA	DIS-MIS-SALS	TRIAL	
										COURT	JURY					COURT	JURY
1ST CIRCUIT																	
BON HOMME	14	548	549	0	3	65	4	55	1	4	0	7	3	6	2	2	1
CHARLES MIX	12	1708	1665	34	0	156	10	145	10	0	1	26	12	23	3	1	6
CLAY	6	2203	2167	4	44	114	19	102	5	5	1	55	17	43	1	1	5
DOUGLAS	5	386	364	14	3	23	5	28	2	0	0	1	1	0	2	0	0
HUTCHINSON	2	658	640	6	8	41	7	38	2	3	0	9	1	1	1	0	0
LINCOLN	16	2007	1811	168	38	82	24	62	23	4	0	40	24	25	29	0	3
TURNER	4	1038	970	16	18	71	7	62	5	3	2	21	5	15	7	0	1
UNION	16	2256	2200	9	34	116	16	101	17	2	1	47	11	25	32	0	0
YANKTON	49	3888	3716	105	92	345	66	276	58	14	11	88	45	54	29	0	7
TOTAL	124	14692	14082	356	240	1013	158	869	123	35	16	294	119	192	106	4	23
2ND CIRCUIT																	
MINNEHAHA	830	30121	25369	4171	1081	1506	289	1150	307	59	15	675	257	312	360	3	20
3RD CIRCUIT																	
BEADLE	39	2941	2686	136	24	206	33	177	32	7	3	53	26	29	25	0	7
BROOKINGS	10	2878	2646	56	12	289	8	244	30	1	1	43	8	37	21	1	0
CLARK	1	514	472	39	0	40	2	36	5	0	1	3	1	4	0	0	1
CODINGTON	26	4461	4364	77	70	235	29	201	40	8	3	65	27	24	37	0	4
DEUEL	4	518	536	0	11	37	9	32	2	2	1	19	7	13	4	0	3
FAULK	5	432	425	2	1	15	1	13	5	0	2	3	1	3	1	0	0
GRANT	5	920	881	5	14	72	6	62	7	1	1	33	12	21	12	2	4
HAMLIN	2	450	439	11	9	25	1	21	7	0	0	11	0	8	2	0	0
HAND	4	812	787	19	18	49	5	35	4	1	0	13	5	4	4	0	0
KINGSBURY	0	786	777	17	11	69	7	57	12	0	1	13	0	5	11	0	0
SPINK	3	1265	1246	57	6	76	3	71	2	0	1	14	5	8	2	1	1
TOTAL	99	15977	15259	419	176	1113	104	949	146	20	14	270	92	156	119	4	20
4TH CIRCUIT																	
AURORA	5	1315	1307	1	3	37	5	29	5	0	0	11	1	6	2	0	2
BRULE	6	1465	1450	6	10	224	29	100	8	0	7	53	13	18	10	1	2
BUFFALO	0	15	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DAVISON	7	4533	4332	174	26	252	29	222	27	3	2	88	21	43	29	0	5
HANSON	1	452	446	6	1	18	9	17	0	0	1	3	2	2	1	0	0
JERAULD	0	223	218	6	1	12	2	13	0	0	0	4	3	1	3	0	1
LAKE	4	1251	1138	80	24	162	47	96	46	3	3	51	26	42	24	0	3
MC COOK	6	1104	1126	3	4	88	13	73	11	0	2	23	6	14	5	0	0
MINER	0	316	306	1	3	22	4	13	1	2	1	4	3	3	0	0	1
MOODY	1	1551	1574	15	22	50	5	40	8	5	1	8	4	9	4	2	4
SANBORN	0	775	762	6	2	23	0	23	2	0	0	3	1	3	0	0	0
TOTAL	30	13000	12672	298	96	888	143	626	108	13	17	248	80	141	78	3	18
PAGE TOTAL	1083	73790	67382	5244	1593	4520	694	3594	684	127	62	1487	548	801	663	14	81

FISCAL YEAR 1981 CRIMINAL CASELOAD STATISTICS

	MISDEMEANOR 2					MISDEMEANOR 1						FELONY					
										TRIAL						TRIAL	
	PETTY OFFENSE FILINGS	FILINGS	GUILTY PLEA	DIS-MIS-SALS	TRIAL	ILINGS	PRELIM. HEARING	GUILTY PLEA	DIS-MIS-SALS	COURT	JURY	FILINGS	PRELIM. HEARING	GUILTY PLEA	DIS-MIS-SALS	COURT	JURY
5TH CIRCUIT																	
BROWN	91	5988	5439	450	108	423	27	327	99	11	1	126	33	74	56	0	0
CAMPBELL	2	178	180	1	1	7	7	6	0	3	0	1	0	0	0	0	0
DAY	2	824	787	19	59	84	7	71	11	2	0	29	6	14	13	0	1
EDMUNDS	1	635	606	19	19	26	0	24	5	1	0	8	5	5	4	0	3
MARSHALL	0	404	411	10	37	76	4	73	1	1	0	15	3	13	4	0	0
MC PHERSON	0	163	154	3	3	10	2	11	0	8	0	2	1	0	2	0	0
ROBERTS	11	1555	1526	31	11	178	13	157	17	9	2	52	10	30	20	2	1
WALWORTH	6	1286	1263	50	64	118	14	103	11	3	0	54	17	36	15	0	2
TOTAL	113	11033	10366	583	302	922	74	772	144	38	3	287	75	172	114	2	7
6TH CIRCUIT																	
BENNETT	8	587	577	15	3	117	8	38	10	0	4	95	20	10	14	0	0
GREGORY	2	379	382	11	3	38	4	29	8	0	2	23	1	12	8	0	1
HAAKON	0	288	285	3	4	38	10	19	4	5	5	6	5	5	0	0	0
HUGHES	12	3128	3080	87	63	354	92	294	45	8	6	108	57	84	20	0	1
HYDE	0	120	115	6	0	7	1	4	3	0	0	2	0	1	0	0	0
JACKSON	0	1529	1554	8	7	69	6	33	7	0	4	10	2	5	3	0	0
JONES	0	364	371	3	0	37	9	30	0	0	3	3	0	2	2	0	0
LYMAN	1	835	847	9	0	42	2	40	4	0	0	5	0	3	2	0	0
MELLETTE	0	94	85	7	0	20	7	13	5	0	0	11	5	5	5	0	1
POTTER	4	367	358	4	1	38	3	19	2	1	3	16	4	5	0	0	2
STANLEY	6	886	844	27	14	111	27	92	11	0	4	21	12	15	7	0	3
SULLY	1	277	282	0	0	6	0	3	1	0	0	0	0	0	0	0	0
TRIPP / TODD	6	1042	1006	33	19	154	31	109	26	0	5	35	20	12	9	0	4
TOTAL	40	9896	9786	213	114	1031	200	723	126	14	36	335	126	159	70	0	12
7TH CIRCUIT																	
CUSTER	7	1152	1099	10	3	207	15	91	14	3	0	78	12	17	11	0	3
FALL RIVER	17	1449	1324	62	22	105	32	93	14	3	7	38	18	17	19	1	1
PENNINGTON	1	1015	1007	2	2	32	20	30	2	0	1	159	79	86	33	2	9
RAPID CITY	188	18013	15771	2273	196	943	196	733	200	3	6	99	34	32	66	0	0
TOTAL	213	21629	19201	2347	223	1287	263	947	230	9	14	374	143	152	129	3	13
8TH CIRCUIT																	
BUTTE	31	1288	1193	57	20	317	28	221	18	3	1	61	31	25	11	0	6
CORSON	0	228	222	5	1	12	1	12	0	0	1	5	2	4	2	0	0
DEWEY	0	144	134	3	2	5	4	3	2	0	1	4	1	1	0	0	0
HARDING	4	382	347	27	1	4	0	3	0	1	1	0	0	2	0	1	0
LAWRENCE	12	4018	3902	60	6	263	29	240	19	1	3	44	20	35	22	0	4
MEADE	9	2361	2337	29	14	199	19	180	28	6	2	42	7	29	24	0	2
PERKINS	3	503	479	5	0	118	1	52	12	0	1	15	2	6	3	0	0
ZIEBACH	0	264	259	1	0	9	0	8	0	0	0	0	0	0	0	0	0
TOTAL	59	9188	8873	187	44	927	82	719	79	11	10	171	63	102	62	1	12
STATE TOTAL	1508	125536	115608	8574	2276	8687	1313	6755	1263	199	125	2654	955	1386	1038	20	125

FISCAL YEAR 1981 CIVIL CASELOAD STATISTICS

	CIVIL CASES					DIVORCE, ETC.			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	FILINGS		DISPOSITIONS				DISPOSITIONS			DISPOSITIONS						
	ADMIN	OTHER	DEFAULT*	COURT**	JURY	FILINGS	DEFAULT	CON-TESTED	FILINGS	DEFAULT	TRIAL	PRO-BATE	ADOP-TION	MENTAL ILL-NESS	GUARD-IANSHIP	JUVENILE PETITIONS
1ST CIRCUIT																
BON HOMME	0	36	14	11	4	15	9	11	140	117	23	66	3	3	14	3
CHARLES MIX	4	69	43	44	0	51	21	26	136	174	39	81	2	7	13	42
CLAY	0	122	51	20	2	55	17	24	381	311	38	76	1	7	6	12
DOUGLAS	0	17	10	0	1	4	5	0	71	73	38	2	0	4	0	13
HUTCHINSON	2	49	28	3	0	15	12	1	150	144	6	91	1	2	12	5
LINCOLN	9	112	67	2	3	36	29	1	236	200	31	97	6	1	22	40
TURNER	2	46	34	3	2	26	16	3	235	180	16	64	3	1	9	42
UNION	12	164	82	61	5	65	46	35	286	215	36	56	8	0	6	2
YANKTON	10	211	73	79	11	134	55	51	463	392	56	112	10	112	28	131
TOTAL	39	826	402	223	28	401	210	152	2098	1806	283	645	34	137	110	290
2ND CIRCUIT																
MINNEHAHA	34	2056	1866	59	49	633	482	74	2359	1566	376	461	89	139	81	455
3RD CIRCUIT																
BEADLE	1	258	195	9	0	126	106	3	815	798	91	131	9	2	18	75
BROOKINGS	3	287	199	42	6	104	92	112	879	882	84	127	19	5	12	83
CLARK	3	28	31	0	0	8	8	0	64	49	8	52	5	0	5	11
CODINGTON	5	276	219	24	4	94	71	30	670	596	64	101	13	9	24	80
DEUEL	0	35	17	3	1	8	3	6	143	128	7	40	4	1	3	24
FAULK	1	9	7	0	0	6	2	4	36	37	1	32	1	1	0	8
GRANT	12	51	45	2	0	43	20	8	205	206	17	52	7	5	2	31
HAMLIN	1	37	28	8	1	11	6	7	106	95	14	54	2	1	5	5
HAND	2	44	109	4	0	11	5	5	163	156	14	34	2	5	7	17
KINGSBURY	0	57	38	22	0	13	9	13	181	139	16	87	3	2	9	17
SPINK	4	92	36	2	0	27	23	2	177	152	15	67	2	4	13	10
TOTAL	32	1174	924	116	12	451	345	190	3439	3238	331	777	67	35	98	361
4TH CIRCUIT																
AURORA	0	19	15	3	0	2	0	4	86	71	8	24	1	0	3	1
BRULE	1	47	18	3	0	13	12	2	130	97	10	40	0	4	8	18
BUFFALO	0	6	5	0	0	13	13	0	24	18	1	7	0	0	1	0
DAVISON	2	240	126	29	0	98	54	34	638	534	75	97	12	11	21	34
HANSON	2	20	11	3	0	5	5	0	27	26	0	26	0	3	2	6
JERAULD	0	31	22	0	0	13	7	1	72	58	3	27	2	1	2	2
LAKE	4	90	55	8	1	49	42	4	341	234	21	74	4	3	12	33
MC COOK	2	36	28	1	1	7	6	4	167	168	15	41	1	0	4	6
MINER	0	36	12	3	0	9	4	5	107	76	6	41	2	1	2	2
MOODY	0	60	50	43	0	19	15	15	132	113	11	54	6	1	9	9
SANBORN	0	20	9	0	1	4	4	1	84	82	9	29	1	0	3	1
TOTAL	11	605	351	93	3	232	162	70	1808	1477	159	460	29	24	67	112
PAGE TOTAL	116	4661	3543	491	92	1717	1199	486	9704	8087	1149	2343	219	335	356	1218

* "DEFAULT" includes settlement, stipulation and dismissal. ** "COURT" includes hearing dispositions.

FISCAL YEAR 1981 CIVIL CASELOAD STATISTICS

	CIVIL CASES					DIVORCE, ETC.			SMALL CLAIMS			MISCELLANEOUS FILINGS				
	FILINGS		DISPOSITIONS				DISPOSITIONS			DISPOSITIONS						
	ADMIN	OTHER	DEFAULT*	COURT**	JURY	FILINGS	DEFAULT	CON-TESTED	FILINGS	DEFAULT	TRIAL	PRO-BATE	ADOP-TION	MENTAL ILL-NESS	GUARD-IANSHIP	JUVENILE PETITIONS
5TH CIRCUIT																
BROWN	4	673	786	37	6	205	246	47	1449	1306	171	141	26	12	30	140
CAMPBELL	0	8	4	0	0	2	0	1	28	21	2	13	0	1	2	1
DAY	2	92	29	6	0	53	15	5	196	221	23	61	4	6	14	36
EDMUNDS	0	38	23	3	1	11	6	4	84	52	8	40	1	1	2	10
MARSHALL	2	61	42	2	0	14	17	0	100	113	8	50	5	1	1	24
MC PHERSON	0	33	16	3	2	4	3	7	26	19	4	34	3	0	4	3
ROBERTS	3	77	41	5	0	20	21	5	177	142	17	89	3	1	7	57
WALWORTH	1	81	48	7	0	23	7	11	199	183	25	59	3	1	10	40
TOTAL	12	1063	989	63	9	332	315	80	2259	2057	258	487	45	23	70	311
6TH CIRCUIT																
BENNETT	0	31	1	2	0	13	1	1	69	45	4	13	1	0	1	22
GREGORY	0	64	55	4	1	20	21	0	108	108	11	65	5	1	0	9
HAAKON	2	39	13	3	1	13	4	3	57	32	6	26	0	2	6	3
HUGHES	19	377	92	66	1	120	72	29	950	833	94	53	11	7	5	40
HYDE	2	22	17	0	0	7	5	0	64	63	3	18	0	0	2	0
JACKSON	0	9	4	1	0	18	16	1	36	30	2	14	1	0	2	4
JONES	0	11	13	0	1	7	8	0	48	45	1	18	1	0	0	3
LYMAN	2	60	23	1	0	12	3	2	172	102	3	38	6	5	1	1
MELLETTE	0	51	24	10	0	9	10	0	44	41	5	14	0	1	4	8
POTTER	0	48	26	1	0	5	4	2	67	44	12	25	0	1	2	2
STANLEY	0	42	53	21	1	15	4	1	192	146	19	18	3	2	4	1
SULLY	0	21	13	1	0	3	1	0	50	52	1	16	3	0	2	0
TRIPP / TODD	1	158	22	39	3	59	35	3	321	213	21	63	5	3	10	21
TOTAL	26	933	356	149	8	301	184	42	2178	1754	182	381	36	22	39	114
7TH CIRCUIT																
CUSTER	5	140	29	48	8	42	30	9	229	77	21	27	6	3	2	14
FALL RIVER	5	141	146	33	1	58	49	5	414	312	23	71	21	6	16	9
PENNINGTON	26	1064	1163	286	16	713	577	100	0	0	0	246	110	89	57	94
RAPID CITY	0	204	134	20	0	0	0	0	1857	1271	275	0	0	57	0	0
TOTAL	36	1549	1472	387	25	813	656	114	2500	1660	319	344	137	155	75	117
8TH CIRCUIT																
BUTTE	0	175	59	1	2	56	48	0	220	193	7	58	10	6	6	12
CORSON	0	23	18	2	0	12	3	13	104	88	15	25	0	4	6	0
DEWEY	0	33	19	6	1	9	5	2	89	71	8	21	2	2	0	5
HARDING	1	11	11	4	0	5	1	1	29	17	3	44	4	0	1	0
LAWRENCE	25	282	149	1	6	138	79	0	448	170	48	115	12	3	18	47
MEADE	2	167	93	71	3	143	106	34	358	324	69	76	19	29	13	38
PERKINS	0	41	22	4	0	17	8	15	97	56	8	53	3	2	7	17
ZIEBACH	2	4	0	0	2	1	1	0	13	3	1	9	0	0	1	1
TOTAL	30	736	371	89	14	381	251	65	1358	922	159	401	50	46	52	120
STATE TOTAL	220	8942	6731	1179	148	3544	2605	787	17999	14480	2067	3956	487	581	592	1880

*"DEFAULT" includes settlement, stipulation and dismissal. ** "COURT" includes hearing dispositions.

FISCAL YEAR 1981
COURT SERVICES CASELOAD

JUVENILE						ADULT		
	Referrals	Diversion	PHI*	Informal Adjustment	Placed on Probation		Pre-Sentence Investigation	Placed on Probation
1st Circuit						1st Circuit		
Delinquency	506	216	125	26	136	Felony	38	57
CHIN**	41	5	19	1	11	Misdemeanor	234	91
2nd Circuit						2nd Circuit		
Delinquency	1031	52	520	7	97	Felony	56	101
CHIN	173	19	121	9	34	Misdemeanor	39	211
3rd Circuit						3rd Circuit		
Delinquency	676	209	83	45	210	Felony	72	91
CHIN	38	1	5	1	12	Misdemeanor	404	569
4th Circuit						4th Circuit		
Delinquency	237	111	45	0	64	Felony	85	47
CHIN	13	2	4	0	5	Misdemeanor	71	53
5th Circuit						5th Circuit		
Delinquency	370	20	45	4	219	Felony	33	73
CHIN	24	0	4	0	13	Misdemeanor	147	379
6th Circuit						6th Circuit		
Delinquency	424	70	159	14	60	Felony	51	37
CHIN	46	8	16	0	9	Misdemeanor	125	128
7th Circuit						7th Circuit		
Delinquency	302	134	73	8	75	Felony	89	60
CHIN	24	3	9	1	7	Misdemeanor	830	749
8th Circuit						8th Circuit		
Delinquency	225	66	33	2	86	Felony	22	27
CHIN	25	5	6	1	14	Misdemeanor	166	219
State Total						State Total		
Delinquency	3771	878	1083	106	947	Felony	446	493
CHIN	384	43	184	13	105	Misdemeanor	2016	2398

*Pre-hearing Investigation Reports
**Child in need of Supervision

On probation as of 1 July 1981: Juveniles 825, Felons 959

FISCAL YEAR 1981 HIGHLIGHTS

Committees

A fourteen-member committee was organized to evaluate the Judicial Information System and report recommendations to the Supreme Court. Some members of the committee visited Washington State to study their information process. Several recommendations were made, incuding a micro-computer pilot project for Minnehaha County.

A committee on court-appointed counsel fees recommended guidelines, a rate schedule, and a revised application form. These are to be used for one year beginning January 1, 1982.

An election campaign guideline committee developed proposed ethical guidelines for judicial elections, to be considered at a Supreme Court hearing.

A small claims revision committee made recommendations for changing the small claims procedure. These were implemented by Supreme Court rule.

The advisory committee of clerks of court met several times during the fiscal year with the staff of the State Court Administrator's Office to consider changes in procedures and documentation in the court offices.

Personnel and Records

The UJS travel and subsistence regulations have been revised to reflect SD Board of Finance recommendations. The higher travel allowances adopted by the Supreme Court include a "high-rate geographical area" adjustment for the tourist areas of the state.

A personnel rule was adopted enabling court employees to make lateral transfers within the Unified Judicial System (UJS) from circuit-to-circuit, and the personnel evaluation form was revised.

The Supreme Court adopted out-of-state training guidelines for judges, and memoranda were distributed promoting the use of more economical airfares for travel.

A court reporter position was reclassified, and a clerk recorder position was allocated to Sioux Falls, to implement audio recording in magistrate court at a reduced cost.

Through a grant from the Law Enforcement Assistance Administration, the State Court Administrator's Office has been providing technical assistance to tribal courts in the areas of record keeping, records management, financial management, statistics management, and planning.

Publications

The Benchmark, annual report of the UJS, was published and distributed throughout the state.

Selected 1981 Session Laws affecting the courts were compiled, printed and distributed by the State Court Administrator's Office.

The fine and bond schedule for class 2 misdemeanor offenses was distributed to court clerks and magistrates. Fines were increased by about one-third as of September 1, 1981.

The Small Claims brochure was revised and reprinted by the State Court Administrator's Office.

A record-retention schedule was adopted by the Supreme Court.

Revisions to the Procedures Manual for Clerks of Court were distributed periodically by the State Court Administrator's Office.

Court Services

The director of Court Services began a statistical study of the alternative care program. The final report will include a comparative analysis of juvenile referrals to the program, and associated costs. The report, a portion of which is presented as an appendix on the following pages, will cover the period from fiscal year 1978, when the program was transferred from the Department of Social Services, through fiscal year 1981.

Three separate demonstration projects were implemented to develop additional family foster care resources for the joint use of the department of social services and the UJS. The projects were funded by Title IV-B of the Social Security Act.

In cooperation with the South Dakota Children's Home Society, the judiciary developed a home-based family service program as an alternative to the placement of juveniles into family foster homes and resident group homes.

A three-member committee of court services officers was organized to design and implement a modified automated adult probation information system. The committee will design a system through which misdemeanant data will be incorporated into the existing felony probation system's monthly reports. Additionally a quarterly adult probation referral action report will be developed as a parallel to the quarterly juvenile referral action report.

Other Supreme Court Actions

A five-percent budget reduction was implemented by the Supreme Court after conferring with the Governor.

A hearing was held to consider possible changes in the boundaries and judgeships of the first, second, and fourth circuits. The decision was to make no change.

A certificate of readiness, and a twelve-month no activity rule, for civil cases, were adopted and are being implemented.

Consideration is being given to the possibility of allowing cameras in the courtroom on an experimental basis.

A Constitutional Amendment was ratified to eliminate conventional election of Supreme Court Justices in favor of retention elections.

By Supreme Court Rule, graduates of the University of South Dakota Law School after June, 1983, will be required to pass the multistate bar examination before being permitted to practice law in the state.

The UJS, through the efforts of the Chief Justice, has been promoting closer cooperation between the state court judges and the tribal court judges, with emphasis on the implementation of the Indian Child Welfare Act of 1978.

STATISTICAL SUMMARY OF
SOUTH DAKOTA'S ALTERNATIVE CARE PROGRAM
FISCAL YEAR 1978 THROUGH FISCAL YEAR 1981

The tables on the following pages present comparisons of information pertaining to problem juveniles and children in need of supervision (CHINs) placement in private group homes and foster homes. The material is organized by judicial circuit.

TABLE 1

SUMMARY OF TOTALS FOR COST AND DAYS OF PLACEMENT: ALL JUDICIAL CIRCUITS

CIRCUIT	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH
COST	$35,333	$133,792	$47,675	$18,295	$39,401	$65,794	$62,105	$35,663
DAYS	1667	4965	1728	844	1373	2589	2582	1761
COST PER DAY	$21.1	$26.9	$27.6	$21.7	$28.7	$25.4	$24.0	$20.2
TOTAL COST AND DAYS OF PLACEMENT FOR GROUP HOMES: FISCAL YEAR 1978								
COST	$94,031	$233,972	$47,508	$40,267	$94,641	$129,370	$156,369	$67,209
DAYS	3901	8124	1892	1618	3763	5222	6034	2729
COST PER DAY	$24.1	$28.8	$25.1	$24.8	$25.2	$24.8	$26.0	$26.0
TOTAL COST AND DAYS OF PLACEMENT FOR GROUP HOMES: FISCAL YEAR 1979								
COST	$63,638	$193,591	$84,458	$65,023	$50,603	$120,253	$135,345	$125,672
DAYS	2234	5972	2943	2436	1854	4337	4956	4175
COST PER DAY	$28.5	$32.4	$28.7	$26.7	$27.3	$27.7	$27.3	$30.1
TOTAL COST AND DAYS OF PLACEMENT FOR GROUP HOMES: FISCAL YEAR 1980								
COST	$70,595	$221,260	$74,614	$68,824	$91,622	$156,917	$151,458	$124,967
DAYS	2102	6517	2293	2354	2941	4967	4697	3776
COST PER DAY	$33.5	$34.0	$32.5	$29.2	$31.2	$31.6	$32.2	$33.1
TOTAL COST AND DAYS OF PLACEMENT FOR GROUP HOMES: FISCAL YEAR 1981								
COST	$725	$8,488	$4,818	$1,643	$1,140	$4,366	$756	$4,853
DAYS	161	1067	817	313	217	734	159	976
COST PER DAY	$4.5	$8.0	$5.9	$5.4	$5.3	$5.9	$4.7	$5.0
TOTAL COST AND DAYS OF PLACEMENT FOR FOSTER HOMES: FISCAL YEAR 1978								
COST	$4,695	$8,860	$18,235	$6,358	$7,370	$5,879	$5,265	$11,974
DAYS	791	1066	2821	991	1129	973	909	1995
COST PER DAY	$5.9	$8.3	$6.5	$6.4	$6.5	$6.0	$5.8	$6.0
TOTAL COST AND DAYS OF PLACEMENT FOR FOSTER HOMES: FISCAL YEAR 1979								
COST	$1,405	$4,358	$13,899	$1,545	$3,737	$4,734	$1,461	$11,218
DAYS	176	507	1738	212	580	758	202	1753
COST PER DAY	$7.9	$8.5	$7.9	$7.2	$6.4	$6.2	$7.2	$6.4
TOTAL COST AND DAYS OF PLACEMENT FOR FOSTER HOMES: FISCAL YEAR 1980								
COST	$862	$1.369	$9,908	$2,873	$4,727	$8,293	$2,387	$8,214
DAYS	112	151	1342	392	634	1187	300	1199
COST PER DAY	$7.7	$9.1	$7.4	$7.3	$7.5	$7.0	$8.0	$6.9
TOTAL COST AND DAYS OF PLACEMENT FOR FOSTER HOMES: FISCAL YEAR 1981								

The information in the summary table above presents a comparison of average cost per day among the judicial circuits and through the progression of fiscal years. The wide variation of average daily costs for group homes in fiscal 1978 ($20 and $21 for the eighth and first circuits, versus $27 and $28 for the fifth and third) have decreased in fiscal 1981.

In foster home average costs, likewise, the spread seems to narrow. The second circuit daily cost remains relatively high throughout the four-year period, but there is less disparity of costs for the last fiscal year.

TABLE 2. MULTIPLE PLACEMENTS COMPARED WITH TOTAL PLACEMENTS BY CIRCUIT AND FISCAL YEAR

THE INFORMATION IN THE TABLE BELOW COMPARES THE NUMBER OF JUVENILES RELOCATED AFTER ONE PLACEMENT, TO THE NUMBER OF TOTAL PLACEMENTS FOR EACH JUDICIAL CIRCUIT BY FISCAL YEAR. FOR EACH CIRCUIT, THE FIRST COLUMN, DESIGNATED "2", REPRESENTS THE NUMBER OF JUVENILES RELOCATED FROM ONE FACILITY TO A SECOND. THE SECOND COLUMN, DESIGNATED "3", REPRESENTS THE NUMBER PLACED IN THREE FACILITIES, EXCEPT THOSE FOUR CASES IN FISCAL YEAR 1979 IDENTIFIED BY AN ASTERISK, WHICH WERE PLACED IN MORE THAN THREE FACILITIES. THE THIRD COLUMN, DESIGNATED "TOTAL", REPRESENTS THE TOTAL NUMBER OF PLACEMENTS FOR EACH CIRCUIT IN THE CATEGORY SHOWN.

CIRCUIT:	FIRST			SECOND			THIRD			FOURTH			FIFTH			SIXTH			SEVENTH			EIGHTH		
NO. OF PLACEMENTS	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL	2	3	TOTAL
1978																								
FEMALE	2	0	8	0	1	13	0	1	4	0	0	1	1	0	5	2	1	12	4	1	17	0	0	9
MALE	0	0	7	3	0	20	1	0	14	0	0	6	1	0	10	2	0	13	2	1	10	0	1	8
1979																								
FEMALE	1	0	12	2	0	24	6	0	18	1	0	5	1	1*4	14	4	0	17	4	1	27	2	2**	15
MALE	1	0	12	2	0	34	6	1*6	24	2	0	16	2	1*4	19	1	2	20	3	2	29	2	1	15
1980																								
FEMALE	1	0	10	2	0	19	0	0	14	2	0	11	1	1	14	1	2	10	5	0	16	3	1	13
MALE	0	0	10	0	0	22	1	1	15	0	0	9	1	0	10	3	1	25	3	0	24	3	0	19
1981																								
FEMALE	1	0	10	2	0	15	1	0	11	2	0	15	3	0	17	2	1	16	2	1	13	2	0	13
MALE	2	0	9	0	0	24	2	0	17	0	0	9	2	0	14	3	0	27	2	0	18	1	0	17

* MORE THAN THREE PLACEMENTS. IN EACH OF THESE, THE NUMBER FOLLOWING THE ASTERISK INDICATES THE NUMBER OF PLACEMENTS FOR THIS JUVENILE.

** ONE OF THESE WAS THREE PLACEMENTS; ONE WAS FOUR PLACEMENTS.

The figures in the table above show maximum multiple placements of about 30% in a few circuits. The seventh circuit shows such maximums in fiscal 1978 and 1980, the third and the eight circuits in fiscal 1979, and the sixth and the eighth in fiscal 1980. Multiple placements in fiscal 1981 appear markedly lower.

TABLE 3

SUMMARY OF COSTS OF PLACEMENT																				
	FISCAL YEAR 1978					FISCAL YEAR 1979					FISCAL YEAR 1980					FISCAL YEAR 1981				
	GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME			GROUP HOME		FOSTER HOME		
CIRCUIT	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL	AMOUNT	%	AMOUNT	%	TOTAL
FIRST	35,333	98	725	2	36,058	94,031	95	4,695	5	98,726	63,638	98	1,405	2	65,043	70,595	99	862	1	71,457
SECOND	133,792	94	8,488	6	142,280	233,972	96	8,860	4	242,832	193,591	98	4,358	2	197,949	221,260	99	1,369	1	222,629
THIRD	47,675	91	4,818	9	52,493	47,508	72	18,235	28	65,743	84,458	86	13,899	14	98,357	74,614	88	9,908	12	84,522
FOURTH	18,295	92	1,643	8	19,938	40,267	86	6,358	14	46,625	65,023	98	1,545	2	66,568	68,824	96	2,873	4	71,697
FIFTH	39,401	97	1,140	3	40,541	94,641	93	7,370	7	102,011	50,603	93	3,737	7	54,340	91,622	95	4,727	5	96,349
SIXTH	65,794	94	4,366	6	70,160	129,370	96	5,879	4	135,249	120,253	96	4,734	4	124,987	156,917	95	8,293	5	165,210
SEVENTH	62,105	99	756	1	62,861	156,869	97	5,265	3	162,134	135,345	99	1,461	1	136,806	151,458	98	2,387	2	153,845
EIGHTH	35,663	88	4,853	12	40,516	67,209	85	11,974	15	79,183	125,672	92	11,218	8	136,890	124,967	94	8,214	6	133,181
TOTAL	438,058	94	26,789	6	464,847	863,867	93	68,635	7	932,503	838,583	95	42,357	5	880,940	960,257	96	38,633	4	998,890

TABLE 4.

SUMMARY OF PLACEMENTS

	FY 1978		FY 1979		FY 1980		FY 1981	
	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME	FOSTER HOME	GROUP HOME
FIRST CIRCUIT								
FEMALE DELINQUENT	1	1	2	1	0	0	1	3
MALE DELINQUENT	0	5	0	8	0	6	0	3
FEMALE CHIN	1	5	1	8	2	8	0	6
MALE CHIN	0	2	1	3	0	4	1	5
TOTAL	2	13	4	20	2	18	2	17
SECOND CIRCUIT								
FEMALE DELINQUENT	0	3	1	6	2	3	0	4
MALE DELINQUENT	2	9	2	18	1	14	0	11
FEMALE CHIN	1	9	2	15	2	12	1	10
MALE CHIN	3	6	3	11	0	7	0	13
TOTAL	6	27	8	50	5	36	1	38
THIRD CIRCUIT								
FEMALE DELINQUENT	0	1	1	3	0	2	0	1
MALE DELINQUENT	3	4	4	7	6	3	4	6
FEMALE CHIN	1	2	9	5	5	7	4	6
MALE CHIN	1	6	6	7	3	3	1	6
TOTAL	5	13	20	22	14	15	9	19
FOURTH CIRCUIT								
FEMALE DELINQUENT	0	1	1	3	0	4	0	5
MALE DELINQUENT	1	4	3	7	0	3	0	5
FEMALE CHIN	0	0	0	1	2	5	3	7
MALE CHIN	0	1	3	3	2	4	0	4
TOTAL	1	6	7	14	4	16	3	21
FIFTH CIRCUIT								
FEMALE DELINQUENT	1	0	3	4	2	5	1	3
MALE DELINQUENT	0	8	0	12	0	6	0	10
FEMALE CHIN	1	3	2	5	2	5	4	9
MALE CHIN	0	2	3	4	2	2	2	2
TOTAL	2	13	8	25	6	18	7	24
SIXTH CIRCUIT								
FEMALE DELINQUENT	0	4	1	3	0	0	2	6
MALE DELINQUENT	1	6	2	14	1	20	2	3
FEMALE CHIN	3	5	4	9	4	6	5	3
MALE CHIN	1	5	1	3	1	3	0	22
TOTAL	5	20	8	29	6	29	9	34
SEVENTH CIRCUIT								
FEMALE DELINQUENT	0	12	1	15	1	6	0	0
MALE DELINQUENT	1	7	1	19	1	17	1	13
FEMALE CHIN	2	3	2	9	1	8	2	11
MALE CHIN	0	2	2	7	1	5	0	4
TOTAL	3	24	6	50	4	36	3	28
EIGHTH CIRCUIT								
FEMALE DELINQUENT	2	0	2	2	2	1	2	1
MALE DELINQUENT	3	4	4	8	3	10	2	12
FEMALE CHIN	1	6	5	6	3	7	3	7
MALE CHIN	0	1	1	2	2	4	1	2
TOTAL	6	11	12	18	10	22	8	22

TABLE 5. SUMMARY OF COSTS FOR ADDITIONAL SERVICES

Circuit	FY 78	FY 79	FY 80	FY 81
1st -	$ 828.38	$ 374.45	$ 238.03	$ 205.26
2nd -	7,681.85	3,821.80	851.94	1,648.36
3rd -	3,078.87	3,069.34	5,095.33	753.12
4th -	496.36	1,482.77	-0-	128.97
5th -	1,761.19	2,321.42	344.64	1,513.83
6th -	1,249.31	1,876.73	2,086.67	2,895.47
7th -	1,379.82	6,982.56	2,899.81	3,138.16
8th -	1,766.89	2,139.77	7,307.76	4,112.50
TOTALS:	$18,242.67	$22,068.84	$18,824.18	$14,395.67

These costs include the total of evaluation/counseling, medical, prescriptions, dental, and optometry expenditures.